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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Civil Action No. C 80-1858
	)	
Plaintiff,	)	Judge Ann Aldrich
	)	
v.	)	
	)	
CHEMICAL RECOVERY SYSTEMS, INC.,	)	PLAINTIFF'S FIRST SET OF
	)	INTERROGATORIES AND THIRD REQUEST
Defendant.	)	<u>FOR PRODUCTION OF DOCUMENTS</u>

Pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, the United States of America, the Plaintiff, hereby serves on Chemical Recovery Systems, Inc., the Defendant, (1) written interrogatories to be answered by Chemical Recovery Systems, Inc., and (2) request for production of documents by Chemical Recovery Systems, Inc. Such documents shall be produced for inspection and copying, within thirty days after the service of the request, at the United States Attorney's Office, located in Cleveland, Ohio, or at such other reasonable time and place which both parties have agreed upon. The obligations imposed upon the Defendant by the Federal Rules of Civil Procedure are hereby incorporated by reference, including, but not limited to, the duty to supplement.

Definitions

A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and all present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of defendant, whether printed, recorded, reproduced by any process,

or written or produced by hand including, but not limited to, letters, reports, contracts, agreements, communications, including inter-intra-agency, or intra-interoffice communications, correspondence, telegrams, memoranda, summaries or records of personal conversations, diaries, logs, forecasts, photographs, tape recordings, models, statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any document, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify" when used in reference to:

(1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or if no title, the subject matter), author, sender, recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral communication, the date, communicator, communicatee, and all persons present. In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act and their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present of having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. As used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by defendant or defendant's agents and investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of each species in the case of a mixture, if determined or otherwise known), giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the terms "Chemical Recovery Systems facility" "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. As used herein, "ultimate fate" or "ultimate disposal" shall mean the method or route by which a particular substance or object, including but not limited to material currently located on or brought to the CRS facility (and including any sorbent material which was used to clean up leaks or spills, whether left at or removed from the CRS facility), including but not limited to the leaking of such material onto the ground or into wastewater collection drains and pipes; the collection by defendant or placement into containers such as 55-gallon drums for shipment off site; the dumping by defendant onto exterior soils, whether for final disposition in that way or for incineration; or any other method by which the substance was gathered up and/or prepared for delivery outside the possession, control or custody of defendant, together with the name and address of the operator of each landfill, incinerator or other final disposition site, and the location of such site.

I. Interrogatories asking to "state each fact which is the basis for" an assertion, act, denial, or an affirmative defense in the Answer, seeks disclosure of each fact known to defendant as of the date the interrogatories are answered, including but not limited to, full identification and description

of the source(s) for each such fact, including identification and description of any and all documents relating or referring to such fact; and identification of each person having knowledge of the fact.

J. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

K. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

L. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter of the deletion.

M. This request covers all documents in the possession, control, or custody of the defendant, and the corporations controlling or controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

N. The above definitions shall apply, unless specific exception is made, to all interrogatories by Plaintiff in this matter hereafter.

1. List the names and addresses of all owners, officers and directors of CRS since its date of incorporation.

2. Have any of the owners, officers or directors of CRS since its Incorporation date, served as owners, officers or directors of any other Corporation or business concern? If so, please list each such Corporation or business concern with whom CRS has a common officer, owner or director, stating the name and address of the Corporation or other concern, and identifying the common owner, officer or director.

3. List the names and addresses of the major stockholders of CRS.

4. List the names and addresses of all persons currently involved or who have been involved since January 1, 1974, either as employees at the CRS site or as drivers, haulers, handlers, or salesmen on behalf of Defendant CRS. Specify for each the nature and period of involvement, duties and/or responsibilities and the terms of their compensation.

5. Identify and list all payments and/or disbursements made by Defendant to any person, whether in the form of wages, payments on debts, or payments made in anticipation of/consideration for services.

6. Identify all contracts or agreements, whether written or oral, between Defendant and any person, relating to the management, disposal, or transportation of waste on, from, or to the CRS site. Summarize the substance of each oral agreement specifying the dates covered thereby, the persons between whom the oral agreements were reached, the history of performance and the consideration for such agreements.

7. Please identify and produce all written contracts and/or agreements identified in your response to the preceding Interrogatory.

8. State whether CRS ever handled the following chemicals at the Locust Street, Elyria, Ohio location:

- a) Tetrachloroethene
- b) toluene
- c) methyl ethyl Ketone
- d) xylene
- e) Hexachloroethane
- f) ethyl benzene
- g) napthalene
- h) propyl benzene
- i) trimethyl benzene

9. Has CRS ever handled any chemicals other than those listed in the preceding Interrogatory?

10. If the answer to the preceding Interrogatory is in the affirmative, please identify and list all other chemicals handled by CRS.

11. Identify and list all chemicals received for reclamation, reprocessing, recycling or disposal by Defendant, since January 1, 1974. Indicate the state in which each chemical was received, solid, liquid or gas; whether each chemical was received pure or contaminated; form of shipment, drums or bulk.

12. Indicate the average quantities of each chemical identified in your response to the preceding Interrogatory, received per month and per year since January 1, 1974, indicating all sources for each.

13. Indicate average quantities of each chemical identified in your response to the preceding Interrogatories which were sold or resold by Defendant after processing, recycling, or reclamation. Identify all purchasers and repurchasers of each such chemical.

14. Identify and produce all documents memorializing the transactions referred to in your response to the preceding Interrogatory.

15. For all chemicals listed in your response to Interrogatory No. 5 which were received in contaminated form, state the typical chemical analysis which would show the most common or likely contaminants.

16. Identify and list the names and addresses of all contractors, subcontractors, disposers, recyclers, scavengers or transporters with whom Defendant arranged for the disposal or transportation of all chemicals not purchased or repurchased from Defendant for use.

17. Identify and list for each person and/or firm listed in your response to the preceding Interrogatory the typical chemical analysis showing main constituent and impurities of each substance disposed of or transported by each such person/firm per month and per year since January 1, 1974. For each substance indicate average quantities per person/firm per month and per year.

18. Identify and list all sites to which the respective wasts and chemicals were sent.

19. Identify and list the names and addresses of all contractors, subcontractors, and other entities whose services have ever been engaged by Defendant to assist in the management and/or storage of chemicals and/or wastes on the CRS site. Indicate the time and purpose for which their services were retained and the results of their activity.

20. Identify and produce all documents which relate to the information elicited by the preceding Interrogatories including but not limited to, any plans, studies or reports furnished to or by the persons/firms identified in your response to the preceding Interrogatory.

21. Identify and list all studies of geology, hydrogeology, water and soil contamination, and sewer function or malfunction at or near the site done by or for the Defendant. Indicate the dates of each such study.

22. Indicate the name and address of each person/firm employed/retained by the Defendant for the purpose of conducting the studies and/or tests referred to in the preceding Interrogatory.

23. State the results of each such study and/or test listed in your response to Interrogatory No. 12.

24. Identify and produce all documents relating to the studies and/or tests listed in response to Interrogatory No. 12.

25. Identify and list, in chemical composition and quantity all substances as of February 1, 1981 stored at the site. Indicating the amount in drums and the amount in bulk tanks, and whether the substances are awaiting reclamation or is residue from such processing.

26. State whether Defendant has a Spill Prevention Control and Countermeasure Plan as required by 40 C.F.R. §112.3?

27. If the answer to the preceding Interrogatory is in the affirmative, please identify and produce the plan.

28. If the answer to Interrogatory No. 26 is in the affirmative, describe in detail the manner in which the Plan is being implemented.

29. Identify and produce all documents, memos, logs, etc., which relate to the implementation of the SPCC Plan.

30. Has the handling of any of the chemicals listed in response to any of the preceding Interrogatories ever resulted in spillage onto the soil at or adjacent to the CRS site?

31. Have any of the chemicals handled by CRS ever been placed or spilled into sumps?

32. If the answer to the preceding Interrogatory is in the affirmative, have these sumps ever overflowed?

33. Has CRS ever drained the sumps?

34. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures used in draining the sumps,

indicating the dates the sumps have been drained since January 1, 1974.

35. Have these sumps ever leaked chemicals into the ground?

36. If the answer to the preceding Interrogatory is in the affirmative, identify and list:

a) the names and addresses of all persons having direct and actual knowledge of the leakage;

b) the dates and/or regularity and/or frequency of the leakage;

- c) the quantity of each such leakage;
- d) the chemical analysis of each such leakage;
- e) the procedures taken to prevent such leakages;
- f) and the procedures taken to clean up such leakages;

g) and the procedures taken to clean up said discharges.

37. Has CRS ever placed an oil boom on the Black River?

38. If the answer to the above Interrogatory is in the affirmative, please identify and list:

a) the date on which the oil boom was first placed on the river;

b) the periods the boom remained on the river;

c) the purpose for which the boom was installed;

d) the person/agency requiring the boom to be placed on the river;

e) and the procedures followed for the maintenance of said boom;

39. Has the boom ever been removed by CRS from the river? If yes, at what times and for what reasons is it removed?

40. If the answer to the preceding Interrogatory is in the affirmative, do the conditions for which the boom was employed still exist when the boom is removed? Explain in detail.

41. Has CRS ever been ordered to alter its operations, practices, equipment, or property to prevent or eliminate pollution to the Black River?

42. If the answer to the preceding Interrogatory is anything other than an unqualified no, please identify and state:

a) the person/official/agent/or agency directing such orders;

b) the date(s) on which such directives were given/discussed;

c) the nature of the complaint/orders;

d) the result of the complaints/orders;

e) and CRS' response to said complaints/orders;

43. Has CRS conducted any activity upon the sump in the still building located closest to the river since April 23, 1980? If so, state the dates and the activities conducted.

44. State the procedures followed by CRS to monitor and control leaking drums?

45. Identify and list the names and addresses of the persons/ employees/agents responsible for implementing the procedures listed in your response to the preceding Interrogatory.

46. State the date on which the procedures listed in response to Interrogatory No. 44 became effective and the name and address of the person/ employee/agent who developed said procedures.

47. Identify the procedures used to monitor and control leaking drums prior to the effective date listed in your response to the preceding Interrogatory.

48. Have any of the chemicals ever handled by CRS contained any of the following:

- a) PCB;
- b) Chromium;
- c) Lead
- d) Cadmium;

49. Identify and produce all data possessed by CRS to support the responses to the preceding Interrogatory.

50. Have any chemicals handled by CRS ever been discharged into the Black River or its tributaries?

51. If the answer to the preceding Interrogatory is in the affirmative, please identify and list:

- a) the dates of such discharges;
- b) the chemicals discharged;
- c) the person/firm responsible for such discharges;
- d) the names and addresses of all persons having knowledge of said discharges and the source of their knowledge;

e) the person/agency notified of said discharges;

f) the procedures taken to prevent said discharges;

52. Describe in detail all spill containment structure which surround or surrounded all actively used storage tanks. Indicate the dates such structures existed.

53. Has CRS ever conducted or caused to be conducted any ground water investigation of its site or any other adjacent or nearby site?

54. If the answer to the preceding Interrogatory is in the affirmative, please state:

a) the name and address of the person/firm or other entity conducting the investigation;

b) the dates of the investigation;

c) the manner in which the investigation was conducted;

d) and the test data resulting from the investigation;

55. Has CRS ever cleaned or caused to be cleaned barrels at the Elyria site?

56. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures implemented in the cleaning process and state:

a) the names and addresses of all persons/employees/agents responsible for implementing the procedures;

b) the dates/frequency of barrel cleaning;

c) and the average quantities of barrels cleaned per month/per year since January 1, 1974;

57. Has CRS ever cleaned or caused to be cleaned the stills located at its Elyria site?

58. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures implemented in cleaning the stills and state:

a) the names and addresses of all persons/employees/agents responsible for implementing the procedures;

b) and the dates/frequency of cleaning the stills;

59. Identify and list all permits, licenses and authorizations granted to CRS by any state, local or federal government agency, including, but not limited to, any Part A Permit under the Resource Conservation and Recovery Act (RCRA).

60. Has CRS always been in compliance with all of the permits referred to in the preceding Interrogatory? Explain in detail the nature of your compliance.

61. Identify and list all legal or administrative proceedings initiated by or at the request of CRS against Harshaw Chemical Company or any other entity, for contamination, trespass, or other damage to soil and water on the site.

62. What is the current net worth of the Company?

63. What were the gross receipts of the Company for the last three years?

64. Does the Company own any stocks or bonds? If so, of which entities, how many shares, and their current market value?

65. Does the Company own or hold title in, wholly or partially, any real property in any state of the United States?

66. How much cash on hand does the Company currently have which is not in any savings or banking institution?

67. How much cash on deposit does the Company have in any saving or bank institution, in a checking, savings, or certificate of deposit account.

68. Does the Company have any motor vehicles of any kind titled in its name in any state of the United States?

69. Does the Company currently have any outstanding loans of any type, from any financial institutions? If yes, what was the date pledged, original loan amount, amount now due and the last payment due date?

70. Identify any facility, site or other place of business or operation acquired or opened by CRS, other than the Locust Street site, since January 1, 1979, and indicate the purpose for such acquisition.

71. State the names and present addresses of persons who may be witnesses on behalf of the defendant at the trial of this case and indicate the subject or subjects on which they will testify.

72. State the names and present addresses of all witnesses to be offered as expert witnesses in any field of specialization and indicate their fields of specialization.

73. What will be the testimony of each expert witness in regard to the following questions:

- a) What date were you employed?
- b) How long did it take you to complete the assignment?
- c) What is your field of expertise?
- d) What are your qualifications?

e) What other business pursuits or occupations do you follow other than that which you have stated as your field of expertise?

f) Did you submit a written report regarding this site?

g) When did you inspect this site?

h) Were any tests conducted at this site pursuant to your direction?

i) What tests were conducted at this site?

j) Did you rely on any test data in forming your expert opinion?

k) What is your expert opinion relative to your field of expertise regarding this site?

l) Upon what facts did you base your opinion?

m) Have you previously testified as an expert in this field of expertise in any other case?

n) If yes, how many times and for whom did you testify?

o) Is your fee for this testimony dependent in any way upon the outcome of this case?

74. Has CRS ever been a defendant in any lawsuit or other proceeding for any injury arising from its operations at the Elyria site?

75. If the answer to the preceding Interrogatory is in the affirmative, please state:

- a) The name of the action;
- b) the docket number assigned to the action;
- c) the forum wherein the action is/was pending;
- d) the present status of the action;
- e) a brief statement of the plaintiff's claim;
- f) the disposition, if any, of the action;

g) whether defendant CRS was entitled to coverage by any insurance company;

h) the terms and limits of any insurance applicable;

i) the name and address of the insurance company providing said coverage.

76. Has CRS ever applied for or obtained any EIL insurance?

77. If the answer to the preceding Interrogatory is in the affirmative, please state:

a) The date of application;

- b) the date the application was acted upon;
- c) the result of said application and, if denied, the reasons for the denial;
- d) the terms and conditions of coverage, if granted;
- e) the name and address of the company providing EIL insurance.

78. Has any person/firm/corporation or other entity within the past 5 years offered to purchase the property located on Locust Street in Elyria, Ohio within the past 5 years?

79. If the answer to the preceding Interrogatory is in the affirmative, please identify and state:

- a) The name and present addresses of all persons/firms/corporations or other entities offering to purchase said property;

b) the terms and conditions of said offers;

c) the date of said offers;

d) the terms of any option to purchase granted to the offerors by  
CRS;

e) the amount of said offer; and

f) the current status of each said offer.

JAMES R. WILLIAMS  
UNITED STATES ATTORNEY

By Kathleen Ann Sutula  
KATHLEEN A. SUTULA  
ASSISTANT U. S. ATTORNEY  
400 U. S. Courthouse  
Cleveland, Ohio 44114

SERVICE

Service of the foregoing Interrogatories was made by mailing a copy thereof to each of the following via U.S. Mail this 24th day of February, 1981: David C. Long, Esq. 300 Fourth Street, POB 427, Elyria, Ohio 44036 and Gary McInerney, 180 Monroe, N.W. Suite 4000, Grand Rapids, Michigan 49503.

Kathleen Ann Sutula  
Kathleen Ann Sutula  
Assistant U. S. Attorney

VERIFICATION

STATE OF OHIO :  
COUNTY OF CUYAHOGA :

\_\_\_\_\_, being first duly sworn, deposes and says that (s)he has read the foregoing Answers to Interrogatories and that the Answers are true to (his)(her) best knowledge and belief.

\_\_\_\_\_  
Sworn to before me and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 1981.

\_\_\_\_\_  
Notary Public

FILED  
JUL 15 PM 3:05  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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JUL 15 PM 3:05  
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UNITED STATES OF AMERICA,

Plaintiff,

v.

CHEMICAL RECOVERY SYSTEMS,  
INC.,

Defendant.

CIVIL ACTION NO. C80-1858

Judge Ann Aldrich

REQUEST FOR PERMISSION TO  
ENTER UPON LAND

Now comes the plaintiff, United States of America, and hereby requests permission to enter upon the premises of defendant, Chemical Recovery Systems, Inc., located in Elyria, Ohio, pursuant to Rules 26(a) and 34(a)(2) Fed.R.Civ.P. for the purpose of inspecting, measuring, surveying, photographing, testing or sampling the property. Said inspection to begin on or about August 3, 1981, and continue thereafter until said purposes are completed.

Plaintiff further requests that defendant, Chemical Recovery Systems, Inc., be ordered to respond to the instant request within a shortened period of ten (10) days. Defendants have been advised of the foregoing.

Wherefore, plaintiff respectfully requests this Court to grant the Request to Enter Upon Land.

Respectfully submitted,

JAMES R. WILLIAMS,  
United States Attorney

By

Kathleen Ann Sutula  
Assistant U. S. Attorney  
400 U. S. Courthouse  
Cleveland, Ohio 44114  
216/522-4394

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Permission to Enter Upon Land was served upon Gary J. McInerney, Murphy, Burns & McInerney, P.C., Suite 4000, Campau Square Bldg., 180 Monroe, N.W., Grand Rapids, Michigan 49503 and David C. Long, L.P.A., Attorney at Law, 300 Fourth Street, P.O. Box 427, Elyria, Ohio 44035 by regular U.S. mail this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

\_\_\_\_\_  
Kathleen Ann Sutula  
Assistant U. S. Attorney

Answers to Interrogatories from CRS

Marian Hodel

Kathleen Sutula, AUSA, N. Dist. Ohio

The following are the answers we are in a position to provide:

1. Marian H. Hodel Attorney, U.S. EPA; Litigation preparation and enforcement  
U.S. EPA Enforcement 1, 2, and (indirectly) all others  
Region V EMHE  
230 South Dearborn Street  
Chicago, Illinois 60604

Leon Acierto Engineer, U.S. EPA; same duties  
U.S. EPA Enforcement All except 1, 11, 27, 28, 29, 30,  
Region V EMHE 31, 32 and 33  
230 South Dearborn Street  
Chicago, Illinois 60604

2. Charles Grigalowski, U.S. EPA Air and Hazardous Materials Section,/  
Hazardous Waste Management Section, (mailing code 5 AWHM), engineer, 1979.

Holanie Toepfer--environmental scientist, U.S. EPA Enforcement, Region V  
(same address as Leon's), inspected site 2/80.

Eugene Meyer--chemist, U.S. EPA Air and Hazardous Materials, Waste  
Management Branch, (mailing code 5 AWAP), inspected site 2/80

Walter Redman--biologist, U.S. EPA Permit Assistance Section (mailing  
code SEP), has been consulted about aquatic life in Black River, 1980.

T.J. Kie--engineer, U.S. EPA Waste Management Branch, Chief of Process  
Evaluation Unit, Mailing code 5AWHM, consulted on still, 1980 George Phelus,  
U.S. EPA Enforcement Region V, attorney (same address as mine), assigned  
to CRS case between 1979-1980.

others assigned to case: Doug Johns, Frank Biros, Kathleen Sutula,  
Paul Schaeffer, Fred Stiehl, Mike Kosakowski, Don Easterling, Dan Watson,  
(Murphy).

3. a) 10/16/79  
b) Charles Grigalowski  
c) State Fire Marshal's office

4. a) 10/26/79  
b) Leon Acierto  
c) site inspections

5. a) 2/5/80  
b) L. Acierto, H. Toepfer, E. Meyer, F. Biros  
c) site inspection

6. a) 7/17/80, on receiving results of 2/5/80 sampling  
b) L. Acierto, F. Birus  
c) U.S. EPA Central Regional Laboratory, Chicago
7. a) 2/5/80  
b) L. Acierto, R. Toepfer, F. Birus, E. Meyer, D. Watson  
c) site inspection
8. a) 11/26/79  
b) D. Watson  
c) site inspection
9. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
10. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
11. a) 11/26/79  
b) D. Watson  
c) site inspection
12. a) combination of many organic chemicals--details in 7/14/80 analysis report already provided to CRS under request to produce  
b) Using ASTM D 93-77 Flash Point determination by Pensky-Martins closed tester
13. U.S.G.S. Geological information and expert opinions
14. a) 11/26/79  
b) Not formally, but various local and state agencies in contact with us had already done so, or did so at about the same time.
15. N/A
16. (Use estimate provided by letter)
17. a) As stated in survey and analysis reports for 11/26/79, 2/5/80, and 4/23-24/80, already provided under request to produce  
b) Ditto  
c) standard U.S. EPA sampling procedure see Handbook for Monitoring Industrial Wastewater, U.S. EPA Technology Transfer (pub. G.P.O.)  
d) standard USEPA storing procedure see Handbook for Monitoring Industrial Wastewater (pub. G.P.O.)  
e) U.S. EPA Central Regional Laboratory, Chicago  
f) methods specified in 40 CFR part 136  
g) see answer to a)  
h) have already done so

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8. None, other than those provided by Plaintiff in response to the 11/5/80 request for production by defendant.

18. Field Inspection Team contractors

19. 3/29/81--discussed hydrogeological survey of C&S site

20. None to date

21. N/A

22. None to date

23. N/A

24. Yes

25. a) pursuant to civil litigation

b) Harshaw Chemical Company

c) U.S. EPA Enforcement, Region V and Eastern District Office

d) 1971-77 (intermittently)

e) compliance inspections 12/9/75, river sampling 11/18/71; 9/9/74, and 10/31/76

f) briefly: Harshaw was found to be discharging metals, ammonia, and oils and grease in amounts beyond permit limits

26. U.S. v. Harshaw Chemical Company, no. C-72-214 (N.D. Ohio)--consent decrees entered 2/27/76 and 3/4/77. No other proceedings known to us at this time.

27. (Kathy--you have copies of the Harshaw proceedings--will you attach?)

28. Y.J. Kim--data given in our answer to D.2. Murphy?

29. Isn't "all other persons who may be witnesses" improperly vague?

cc: Paul Schaeffe

Fred Stiehl

Answers to interrogatories from CRS

Marian Neudel

Kathleen Sutula, AUSA, N. Dist. Ohio

The following are the answers we are in a position to provide:

1. Marian H. Neudel  
U.S. EPA Enforcement  
Region V ERMHE  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attorney, U.S. EPA; Litigation  
preparation and enforcement  
1, 2, and (indirectly) all others
- Leon Acierto  
U.S. EPA Enforcement  
Region V ERMHE  
230 South Dearborn Street  
Chicago, Illinois 60604  
Engineer, U.S. EPA; same duties  
All except 1, 11, 27, 28, 29, 30,  
31, 32 and 33
2. Charles Grigalauski, U.S. EPA Air and Hazardous Materials Section,/  
Hazardous Waste Management Section, (mailing code 5 AIRM), engineer, 1979.  
Melania Toepfer--environmental scientist, U.S. EPA Enforcement, Region V  
(same address as Leon's), inspected site 2/80.  
Eugene Meyer--chemist, U.S. EPA Air and Hazardous Materials, Waste  
Management Branch, (mailing code 5 AMAP), inspected site 2/80  
Walter Redman--biologist, U.S. EPA Permit Assistance Section (mailing  
code SEP), has been consulted about aquatic life in Black River, 1980.  
Y.J. Kim--engineer, U.S. EPA Waste Management Branch, Chief of Process  
Evaluation Unit, Mailing code 5AEM, consulted on still, 1980 George Phelus,  
U.S. EPA Enforcement Region V, attorney (same address as mine), assigned  
to CRS case between 1979-1980.  
others assigned to case: Doug Johns, Frank Birus, Kathleen Sutula,  
Paul Schaeffer, Fred Stiehl, Mike Kosakowski, Don Easterling, Dan Watson,  
(\_\_\_\_\_) (Murphy).
3. a) 10/16/79  
b) Charles Grigalauski  
c) State Fire Marshal's office
4. a) 10/26/79  
b) Leon Acierto  
c) site inspections
5. a) 2/5/80  
b) L. Acierto, M. Toepfer, E. Meyer, F. Birus  
c) site inspection

→ Neudel  
Thanks for the info.  
Blue

6. a) 7/17/80, on receiving results of 2/5/80 sampling  
b) L. Acierto, F. Sirois  
c) U.S. EPA Central Regional Laboratory, Chicago
7. a) 2/5/80  
b) L. Acierto, R. Toepfer, F. Sirois, E. Meyer, D. Watson  
c) site inspection
8. a) 11/26/79  
b) D. Watson  
c) site inspection
9. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
10. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
11. a) 11/26/79  
b) D. Watson  
c) site inspection
12. a) combination of many organic chemicals--details in 7/14/80 analysis report already provided to CRS under request to produce  
b) Using ASTM D 93-77 Flash Point determination by Pensky-Martins closed tester
13. U.S.G.S. Geological information and expert opinions
14. a) 11/26/79  
b) Not formally, but various local and state agencies in contact with us had already done so, or did so at about the same time.
15. N/A
16. (Use estimate provided by letter)
17. a) As stated in survey and analysis reports for 11/26/79, 2/5/80, and 4/23-24/80, already provided under request to produce  
b) Ditto  
c) standard U.S. EPA sampling procedure see Handbook for Monitoring Industrial Wastewater, U.S. EPA Technology Transfer (pub. G.P.O.)  
d) standard USEPA storing procedure see Handbook for Monitoring Industrial Wastewater (pub. G.P.O.)  
e) U.S. EPA Central Regional Laboratory, Chicago  
f) methods specified in 40 CFR part 136  
g) see answer to a)  
h) have already done so

8. None, other than those provided by Plaintiff in response to the 11/5/80 request for production by defendant.
18. Field Inspection Team contractors
19. 3/25/81--discussed hydrogeological survey of CDS site
20. None to date
21. N/A
22. None to date
23. N/A
24. Yes
25. a) pursuant to civil litigation  
 b) Harshaw Chemical Company  
 c) U.S. EPA Enforcement, Region V and Eastern District Office  
 d) 1971-77 (intermittently)  
 e) compliance inspections 12/8/75, river sampling 11/18/71; 9/9/74, and 10/31/75  
 f) briefly: Harshaw was found to be discharging metals, ammonia, and oils and grease in amounts beyond permit limits
26. U.S. v. Harshaw Chemical Company, no. C-72-214 (N.D. Ohio)--consent decrees entered 2/27/74 and 3/4/77. No other proceedings known to us at this time.
27. (Kathy--you have copies of the Harshaw proceedings--will you attach?)
28. Y.J. Kim--date given in our answer to Q.2. Murphy?
29. Isn't "all other persons who may be witnesses" improperly vague?

cc: Paul Schaeffe

Fred Stiehl  
 Mike Kosakowski

Answers to Interrogatories from CRS

Marian Heudel

Kathleen Sutula, AUSA, W. Dist. Ohio

The following are the answers we are in a position to provide:

1. Marian H. Heudel  
U.S. EPA Enforcement  
Region V EHME  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attorney, U.S. EPA; Litigation  
preparation and enforcement  
1, 2, and (indirectly) all others  
  
Leon Acierio  
U.S. EPA Enforcement  
Region V EHME  
230 South Dearborn Street  
Chicago, Illinois 60604  
Engineer, U.S. EPA; same duties  
All except 1, 11, 27, 28, 29, 30,  
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Hazardous Waste Management Section, (mailing code 5 AOH), engineer, 1979.  
  
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(same address as Leon's), inspected site 2/80.  
  
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Management Branch, (mailing code 5 AHAP), inspected site 2/80  
Walter Rudman--biologist, U.S. EPA Permit Assistance Section (mailing  
code 5EP), has been consulted about aquatic life in Black River, 1980.  
  
Y.J. Kim--engineer, U.S. EPA Waste Management Branch, Chief of Process  
Evaluation Unit, mailing code 5WPM, consulted on still, 1980 George Phelus,  
U.S. EPA Enforcement Region V, attorney (same address as mine), assigned  
to CRS case between 1979-1980.  
  
others assigned to case: Doug Johns, Frank Ginos, Kathleen Sutula,  
Paul Schaeffer, Fred Stehl, Mike Kosakowski, Don Easterling, Don Watson,  
(\_\_\_\_\_) (Murphy).
3. a) 10/15/79  
b) Charles Grigalauski  
c) State Fire Marshal's office
4. a) 10/26/79  
b) Leon Acierio  
c) site inspections
5. a) 2/5/80  
b) L. Acierio, M. Toepfer, E. Meyer, F. Ginos  
c) site inspection

6. a) 7/17/80, on receiving results of 2/5/80 sampling  
b) L. Acierto, F. Biros  
c) U.S. EPA Central Regional Laboratory, Chicago
7. a) 2/5/80  
b) L. Acierto, M. Toepfer, F. Biros, E. Meyer, D. Watson  
c) site inspection
8. a) 11/26/79  
b) D. Watson  
c) site inspection
9. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
10. a) 12/5/79  
b) C. Grigalauskis  
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14. a) 11/26/79  
b) Not formally, but various local and state agencies in contact with us had already done so, or did so at about the same time.
15. N/A
16. (Use estimate provided by letter)
17. a) As stated in survey and analysis reports for 11/26/79, 2/5/80, and 4/23-24/80, already provided under request to produce  
b) Ditto  
c) standard U.S. EPA sampling procedure see Handbook for Monitoring Industrial Wastewater, U.S. EPA Technology Transfer (pub. G.P.O.)  
d) standard USEPA storing procedure see Handbook for Monitoring Industrial Wastewater (pub. G.P.O.)  
e) U.S. EPA Central Regional Laboratory, Chicago  
f) methods specified in 40 CFR part 136  
g) see answer to a)  
h) have already done so

8. None, other than those provided by Plaintiff in response to the 11/5/80 request for production by defendant.
  18. Field Inspection Team contractors
  19. 3/25/81--discussed hydrogeological survey of GHS site
  20. None to date
  21. N/A
  22. None to date
  23. N/A
  24. Yes
  25.
    - a) pursuant to civil litigation
    - b) Harshaw Chemical Company
    - c) U.S. EPA Enforcement, Region V and Eastern District Office
    - d) 1971-77 (intermittently)
    - e) compliance inspections 12/9/75, river sampling 11/16/71; 9/9/74, and 10/31/75
    - f) briefly: Harshaw was found to be discharging metals, ammonia, and oils and grease in amounts beyond permit limits
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  27. (Kathy--you have copies of the Harshaw proceedings--will you attach?)
  28. V.J. Kio--date given in our answer to G.2. Murphy?
  29. Isn't "all other persons who may be witnesses" improperly vague?
- cc: Paul Schaeffe



U.S. Department of Justice

*United States Attorney  
Northern District of Ohio*

*Suite 500  
1404 East Ninth Street  
Cleveland, Ohio 44114*

April 13, 1982

Paul J. Schaeffer  
U. S. Department of Justice - Main  
Land and Natural Resources Division  
Hazardous Waste Section  
Room 1515  
Washington, D. C. 20530

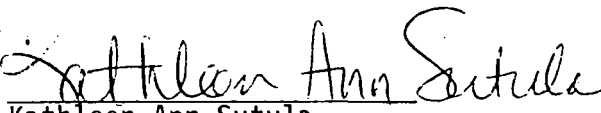
Re: U. S. v. Chemical Recovery Systems, Inc.  
v. Harshaw Chemical Company  
Civil Action No. C80-1858  
Judge Aldrich

Dear Paul:

In reference to the above-captioned case, enclosed  
please find a copy of Third Party Plaintiff's First Set of  
Interrogatories.

Sincerely yours,

J. WILLIAM PETRO,  
United States Attorney

By   
Kathleen Ann Sutula  
Assistant U. S. Attorney  
FTS/293-4394

KAS/fv

Enclosure

cc: Marian Neudel

MURPHY, BURNS & MCINERNEY, P. C.

WILLIAM B. MURPHY  
GERALD F. BURNS  
GARY J. MCINERNEY  
KEARY W. SAWYER  
MICHAEL CAMPBELL  
RICHARD A. STEVENS

ATTORNEYS AT LAW  
GRAND RAPIDS, MICHIGAN 49503

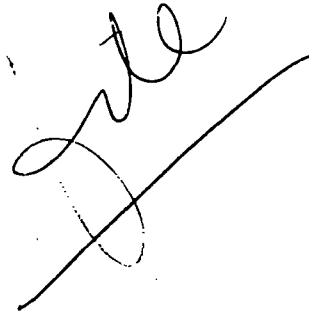
March 23, 1982

SUITE 4000  
CAMPAU SQUARE BUILDING  
180 MONROE, N. W.

AREA CODE 616  
TELEPHONE 458-5005

OF COUNSEL  
HONORABLE JOHN T. LETTS

Clerk of the Court  
United States District Court  
Northern District of Ohio  
Eastern Division  
400 U.S. Courthouse  
Cleveland, Ohio 44114



RECEIVED  
MAR 23 10 13 AM '82  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND, OHIO

RE: Third Party Plaintiff's First Set of Interrogatories

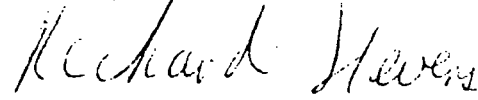
Dear Clerk of the Court:

Enclosed please find Third Party Plaintiff's First Set of Interrogatories to Third-Party Defendant, Harshaw Chemical Company, and Request for Production of Documents, and Proof of Service.

Thank you.

Very truly yours,

MURPHY, BURNS & MCINERNEY, P.C.

  
Richard A. Stevens

RAS/lmt

Enclosures

cc David C. Long  
Anthony B. Giardini  
Kathleen Ann Sutula  
Eben H. Cockley

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant and Third-  
Party Plaintiff,

-vs-

HARSHAW CHEMICAL COMPANY,

Third-Party Defendant.

Civil Action No. C80-1858

Judge Aldrich

THIRD PARTY PLAINTIFF'S  
FIRST SET OF INTERROGA-  
TORIES TO THIRD-PARTY  
DEFENDANT, HARSHAW CHEMI-  
CAL COMPANY, AND REQUEST  
FOR PRODUCTION OF DOCU-  
MENTS.

---

NOW COMES third-party Plaintiff, Chemical Recovery Sys-  
tems, Inc. ("CRS"), pursuant to Rules 33 and 34, Federal Rules  
of Civil Procedure, and propounds the following Interrogatories  
and Request for Production of Documents to Defendant and third-  
party Defendant, Harshaw Chemical Company ("Harshaw"), to be  
answered in accordance with the Federal Rules of Civil Procedure:

Definitions and Instructions

A. If any information called for by these Interrogatories  
is not available or accessible in the full detail requested, these  
Interrogatories shall be deemed to call for the best information  
available and shall require the setting forth of all information as  
is available or accessible, including, where specific information is  
not available or accessible, an estimate and an explanation of the  
method by which each estimate is made.

These Interrogatories are to be deemed to be continuing  
in nature so as to require supplementary answers between the time

papers are served and the time of the trial in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

B. When these Interrogatories call for information or a document which was, but is no longer, in the possession, custody or control of third-party Defendant, identify the present location and custodian of the information or document if known; otherwise identify its last known location and custodian.

C. Where the context makes it necessary to bring within the scope of these Interrogatories any responses which might otherwise be construed to be outside its scope: (1) each singular word shall include its plural and each plural shall include its singular, (2) "and" as well as "or" shall be construed either disjunctively or conjunctively, (3) "each" shall be construed to include the word "every" and "every" shall be construed to include the word "each", (4) "any" shall be construed to include "all" and "all" shall be construed to include "any", (5) the present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense, and (6) the masculine shall be construed in the generic sense.

D. In answering each Interrogatory, state whether the information furnished is within the personal knowledge of the person answering, and if not, identify each person to whom the information is a matter of personal knowledge.

E. In answering each Interrogatory, identify each document relied upon or which forms a basis for the answer given or the substance of what is given in answer to these Interrogatories.

F. For the purposes of these Interrogatories and Request for Production of Documents, the following terms shall have the meanings set forth below:

(1) "Harshaw" shall mean Harshaw Chemical Company.

(2) "CRS" shall mean the third-party Plaintiff, Chemical Recovery Systems, Inc.

(3) CRS "Site" shall mean the property known as 124 Locust Street, Elyria, Ohio.

(4) Harshaw "Site" shall mean the Harshaw property located in Elyria, Ohio. If Harshaw has multiple facilities, it shall mean the property located adjacent to the CRS Site.

(5) "Document" shall mean and include any and all letters, correspondence, intra-office and inter-office communications, and/or directives, memoranda, telegrams, notes, minutes, notebooks, diaries, appointment books, lists, work papers, reports, studies, tests, analyses, records, calculations, instructions, specifications, books, drawings, sketches, brochures, photographs, invoices, tapes, tape recordings, films, slides, computer printouts, and any and all other writings, including drafts, typings, printings, copies or reproductions thereof, in the possession, custody or control of Harshaw, or any officer, employee, consultant or counsel of Harshaw.

(6) "Address" shall mean current business address; or if current business address is unknown, current residence address; or if current business and residence addresses are unknown, last known business and residence addresses and the last known dates on which each of the addresses was known to be current.

(7) "Person" means any natural person, corporation, governmental or other public entity, and any other form of organization, association or legal entity.

(8) "Official", "officer", "employee", "representative", "agent" or "consultant" shall include any person, including attorneys, serving, acting or being in such capacity (by contract or otherwise) at any relevant time even though such person is no longer in such capacity.

(9) "Identification" or "identify", when used in reference to an oral communication, shall mean to state:

- (1) The identification of the person who made the communication;
- (2) The identification of each person to whom the communication was made;
- (3) The identification of all persons present during the communication and/or who heard the communication;
- (4) The date and time the communication was made;
- (5) The place at which it was made;
- (6) The means by which it was made (e.g. telephone or face to face);
- (7) The substance of the communication; and
- (8) The context in which the communication was made.

(10) "Identification" or "identify" when used in reference to person, shall mean to state, to the extent known, such person's:

- (1) Full name;
- (2) Present home address;
- (3) Present home telephone number;
- (4) Present business address;
- (5) Present business telephone number;
- (6) Age;
- (7) Present employer;
- (8) Present title;
- (9) Present job description; and
- (10) Employment history with the defendant, if applicable, by date, job description and title.

(11) "Identification" or "identify," when used in reference to any person other than a natural person, shall mean to state, to the extent known, such person's:

- (1) Full name or title;
- (2) Principal place of business;
- (3) Nature or type of entity; and
- (4) Principal business.

(12) "Identification" or "identify," when used in reference to a document, shall mean to state all of the following information which is reflected on the document:

- (1) Nature of document;
- (2) Date thereof;
- (3) Author;
- (4) Parties thereto;
- (5) Addressee;
- (6) Title;
- (7) File number or other identifying mark or code;
- (8) Location of document by room, building, address, city and state, and the identification of its custodian;
- (9) Whether it is claimed that such document is privileged; and, if so, the type of privilege claimed and a statement of all of the circumstances which the defendant will rely on to support such claim of privilege; and
- (10) The foregoing information shall be given in sufficient detail to enable a person to whom a subpoena is directed to identify the document and to locate the document sought to be produced and to enable CRS to determine that a document produced is in fact the document described.

In lieu of the foregoing description, Harshaw may produce such documents for inspection and copying by CRS's counsel or other representatives.

1. Identify the person(s) answering or assisting in the preparation of the answers to these interrogatories indicating as to each.

- a) Full name
- b) Business address
- c) Job affiliation
- d) Title or position
- e) Affiliation with Harshaw, if any
- f) Employment duties, and the specific answers with which this person has participated.

2. Has Harshaw been provided with or procured any analysis of any sample of any surface water or ground water taken at or near its site or the CRS site?

ANSWER:

3. If the Answer to the preceding Interrogatory is in the affirmative, provide the following information with respect to each such sample.

- (a) State the type of sample.

ANSWER:

(b) Identify the point of sampling.

ANSWER:

(c) State the date of sampling.

ANSWER:

(d) Identify the person or persons who took the sample.

ANSWER:

(e) State in detail the sample preparation and preservation techniques used.

ANSWER:

(f) State the date of analysis of each sample.

ANSWER:

(g) State the parameters analyzed.

ANSWER:

(h) State the method of analysis used for each parameter analyzed.

ANSWER:

(i) Identify the person or persons who analyzed the sample.

ANSWER:

(j) Identify each document which concerns, refers to, or relates to any sample of surface water or ground water taken at or near the site, any analysis of such sample, or any interpretation of such sample or analysis.

ANSWER:

4. Has Harshaw been provided with or procured any analysis of any sample of soil or waste material in or on the ground at or near its site or the CRS site?

ANSWER:

5. If the Answer to the foregoing Interrogatory is in the affirmative, provide the following information with respect to each such sample:

(a) State the type of sample.

ANSWER:

(b) Identify the point of sampling.

ANSWER:

(c) State the date of sampling.

ANSWER:

(d) Identify the person or persons who took the sample.

ANSWER:

(e) State in detail the sample preparation and preservation techniques used.

ANSWER:

(f) State the date of analysis of each sample.

ANSWER:

(g) State the parameters analyzed.

ANSWER:

(h) State the method of analysis used for each parameter analyzed.

ANSWER:

(i) Identify the person or persons who analyzed the sample.

ANSWER:

(j) Identify each document which concerns, refers to, or relates to any sample of surface water or ground water taken at or near the site, any analysis of such sample, or any interpretation of such sample or analysis.

ANSWER:

6. Has Harshaw been provided with or procured any analysis of any sample of the water in the Black River at or near its site or the CRS site?

ANSWER:

7. If the Answer to the foregoing Interrogatory is in the affirmative, provide the following information with respect to each such sample:

(a) State the type of sample (i.e., grab, 24-hour, etc.).

ANSWER:

(b) Identify the point of sampling.

ANSWER:

(c) State the date of sampling.

ANSWER:

(d) Identify the person or persons who took the sample.

ANSWER:

(e) State in detail the sample preparation and preservation techniques used.

ANSWER:

(f) State the date of analysis of each sample.

ANSWER:

(g) State the parameters analyzed.

ANSWER:

(h) State the method of analysis used for each parameter analyzed.

ANSWER:

(i) Identify the person or persons who analyzed the sample.

ANSWER:

(j) Identify each document which concerns, refers to, or relates to any sample of surface water or ground water taken at or near the site, any analysis of such sample, or any interpretation of such sample or analysis.

ANSWER:

8. Has any test or analysis been conducted pertaining to the soil, waste material in or on the ground, or water at or near Harshaw's site or the CRS site which has not been identified in the answers to Interrogatories 1 through 7 inclusive?

ANSWER:

9. If the Answer to the preceding Interrogatory is in the affirmative, provide the following information with respect to each such test and/or analysis.

(a) State the date thereof.

ANSWER:

(b) Describe the type of test or analysis and what it pertained to.

ANSWER:

(c) Identify each person who conducted such test or analysis or participated therein; and describe what each person did.

ANSWER:

(d) Identify each document which concerns, refers to, or relates to any such test or analysis.

ANSWER:

10. Identify each person, not identified in the Answers to the preceding Interrogatories, who has visited the CRS site or the Harshaw site at the request or direction of Harshaw to the test, analyze or give advice concerning waste material and/or contaminants in or on the soil or water at or near the CRS site or the Harshaw site.

ANSWER:

11. With respect to each person identified in the Answer to the preceding Interrogatory, provide the following information:

(a) State the date and purpose of each visit.

ANSWER:

(b) Identify each document which concerns, refers to, or relates to each such visit and/or any test, analysis or advice submitted to Harshaw pertaining thereto.

ANSWER:

(c) Identify all oral communications between each such person and each person acting on behalf of Harshaw.

ANSWER:

12. Did Harshaw, or anyone on its behalf, ever make a study, survey or analysis of any kind pertaining to Harshaw's methods, operating procedures and/or equipment used in connection with the storage, treatment and/or disposition of chemicals and/or waste materials?

ANSWER:

13. If the preceding Interrogatory is answered in the affirmative, provide the following information:

(a) Identify each such person and state in detail what he did.

ANSWER:

(b) Identify each document which concerns, refers to or relates to any such study, survey or analysis.

ANSWER:

(c) If any such person communicated the results of his study, survey or analysis to Harshaw or anyone on its behalf, identify each such oral communication.

ANSWER:

14. Does Harshaw deny that the soil and/or water at or near the Harshaw Site was contaminated at the time of CRS's purchase of the CRS Site (approximately December 1975)?

ANSWER:

15. With respect to your previous answer, provide the following information:

(a) State all facts relied upon in support of the Answer.

ANSWER:

(b) Identify each person having knowledge of such facts and indicate which person has knowledge of which facts.

ANSWER:

(c) Identify each document that concerns, refers to or relates to such facts.

ANSWER:

16. Identify all management and supervisory personnel located at the Harshaw site since its acquisition by Harshaw and indicate their respective duties and areas of responsibility.

ANSWER:

17. State whether or not there have been any spills or leaks of chemicals or chemical wastes on or near the Harshaw site, including the Black River.

ANSWER:

18. If the preceding Interrogatory is answered in the affirmative, provide the following information:

(a) State the date of each such spill or leak and the type and quantity of chemicals or chemical wastes involved.

ANSWER:

(b) State all facts relating to such spill or leak.

ANSWER:

(c) Identify each person who has knowledge of such facts and specify which facts are within each such person's knowledge.

ANSWER:

(d) Identify each document that concerns, refers or relates to each such spill or leak.

ANSWER:

(e) State whether such spill or leak was reported to any federal, state or municipal agency and, if so, identify:

ANSWER:

(1) the name of the agency and the identity of the person therein who was so notified:

ANSWER:

(2) each document that concerns, refers or relates thereto; and

ANSWER:

(3) each person at Harshaw who had knowledge of such spill or leak.

ANSWER:

19. With respect to the chemicals and/or chemical wastes received, processed, handled or disposed of by Harshaw at its site, provide the following information:

(a) List the names and symbols of all chemicals and/or chemical wastes received or manufactured at the Harshaw site.

ANSWER:

(b) List the quantities of each type of chemical and/or chemical waste received or manufactured at the Harshaw site.

ANSWER:

(c) Specify in detail which chemicals and/or chemical wastes were stored at the Harshaw site and the manner of storage.

ANSWER:

(d) List which chemicals and/or chemical wastes were processed or manufactured at the Harshaw site and describe in detail the type of processing of each chemical or chemical waste.

ANSWER:

(e) State specifically which chemicals and/or chemical wastes, if any, were disposed of at the Harshaw site and the manner of their disposition.

ANSWER:

(f) Identify each supplier of Harshaw who supplied chemicals or chemical wastes for storage, treatment, disposition or processing and state with respect to each the type of chemical or chemical waste involved and the disposition made thereof.

ANSWER:

(g) Identify each person at the Harshaw site who was in charge of the storage, treatment, disposition or processing of chemicals or chemical wastes and the dates he was in charge.

ANSWER:

(h) Identify each document that concerns, refers or relates to the storage, handling, treatment, disposition or processing of chemicals and/or chemical wastes at the Harshaw site.

ANSWER:

20. Identify all contractors, disposers, recyclers, scavengers or transporters with whom Harshaw arranged for the

disposal or transportation of chemicals or chemical wastes to or from its site and, with respect to each, state:

(a) The particular function performed.

ANSWER:

(b) The dates of performance.

ANSWER:

(c) The particular types of chemicals or chemical wastes involved.

ANSWER:

(d) The name and location of the place where such chemical or chemical wastes were taken for disposal.

ANSWER:

(e) The method of disposal used for each type of chemical or chemical waste.

ANSWER:

21. Identify each permit, license or authorization granted to Harshaw, pertaining to its Elyria, Ohio site, by any state, local or federal government agency and, with respect to each, state the dates of issuance and expiration.

ANSWER:

22. List the name and address of each location to which chemicals and/or chemical wastes from the Harshaw site were sent and, with respect to each, provide the following information:

(a) Identify the person who transported such chemicals or chemical wastes to each such site.

ANSWER:

(b) Identify each document that concerns, refers to or relates to the transportation and/or disposal of chemicals or chemical wastes at each such site.

ANSWER:

23. Apart from the lawsuit herein involved, has Harshaw ever been sued or cited by any municipal, state or federal agency for violation of any law, regulation or permit respecting its use or operations at its Elyria, Ohio site?

ANSWER:

24. If the preceding Interrogatory is answered in the affirmative, provide the following information:

(a) Identify each agency which sued or cited Harshaw and the date of each such suit or citation.

ANSWER:

(b) Identify each document that concerns, refers or relates to each such lawsuit or citation.

ANSWER:

(c) Identify each person on behalf of Harshaw who has knowledge of each such lawsuit or citation.

ANSWER:

(d) State the substance of each such lawsuit or citation against Harshaw.

ANSWER:

(e) State what disposition was made of each such lawsuit or citation.

ANSWER:

25. Identify each person Harshaw expects to call as a witness at the trial of the Third Party Complaint.

ANSWER:

26. Identify each person Harshaw expects to call as an expert witness.

ANSWER:

27. With respect to each expert witness identified in respect to the preceding paragraph:

(a) State the substance of the facts and opinions to which the expert is expected to testify.

ANSWER:

(b) State a summary of the grounds for each opinion.

ANSWER:

28. Identify each document Harshaw intends to offer in evidence at the hearing in this case.

ANSWER:

29. Did Harshaw lease and/or use a portion of the property now known as 124 Locust Street, Elyria, Ohio?

ANSWER:

30. If the answer to the preceding Interrogatory was in the affirmative, please state:

(a) The purposes for which such land was used.

ANSWER:

(b) The types and quantities of chemicals which were received, stored, processed and/or disposed of on the property.

ANSWER:

(c) Identify each person who has knowledge of such facts and specify which facts are within each such person's knowledge.

ANSWER:

31. State whether there have been any spills or leaks of chemicals or chemical wastes on that portion of 124 Locust Street, Elyria, Ohio, which was previously leased and/or used by Harshaw?

ANSWER:

32. If the preceding Interrogatory is answered in the affirmative, provide the following information.

(a) State the date of each such spill or leak and the type and quantity of chemicals or chemical wastes involved.

ANSWER:

(b) State all facts relating to such spill or leak.

ANSWER:

(c) Identify each person who has knowledge of such facts and specify which facts are within each such person's knowledge.

ANSWER:

(d) Identify each document that concerns, refers or relates to each such spill or leak.

ANSWER:

(e) State whether such spill or leak was reported to any federal, state or municipal agency and, if so, identify:

ANSWER:

(1) the name of the agency and the identity of the person therein who was so notified:

**ANSWER:**

- (2) each document that concerns, refers or relates thereto; and

**ANSWER:**

- (3) each person at Harshaw who had knowledge of such spill or leak.

**ANSWER:**

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce each document whose identity is requested by the Interrogatories and/or which is identified or referred to by you in responding to the Interrogatories. In producing each such document, state in writing, in tabular form, the number of the Interrogatory, including the applicable subparagraph, to which it has reference.

---

Gary J. McInerney  
MURPHY, BURNS & McINERNEY, P.C.  
Suite 4000  
Campau Square Building  
180 Monroe N.W.  
Grand Rapids, MI 49503

Attorney for Defendant and Third-  
Party Plaintiff

---

David C. Long  
DAVID C. LONG CO., L.P.A.  
P. O. Box 427  
300 Fourth Street  
Elyria, Ohio 44036

Attorney for Defendant and Third-  
Party Plaintiff

To: Walker (Ken Indust.)  
Dunham (KOR)  
~~Frumm (1137 Vermont)~~  
~~Neudel (Chem Recovery)~~

From: Jane Schultz

Date: 10/27/81

About 2 weeks ago, Dale asked me for copies of each RCRA Consent Decree being negotiated. I gave them to him & reminded him that he had been provided with copies long ago but we never received comments from him. He said he "blew" it by not commenting & it was his mistake. So he is offering his comments to you now realizing that it is probably too late to take them into consideration. You are under no obligation to try & incorporate Dale's comments but I am merely providing them to you at his request.

03/81

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS,  
INC.,

Defendant.

Case No.: C80-1858

General comments -  
(1) I think the form  
of some Paragraphs  
is not consistent,  
this needs checking.  
(2) the substance of various  
plans I found to  
be confusing.  
this also needs  
review.

DSB

CONSENT DECREE

The above-captioned Complaint having been filed on October 7, 1980, and the parties, UNITED STATES OF AMERICA, for the Administrator of the United States Environmental Protection Agency (hereafter "EPA" or "U.S. EPA") and CHEMICAL RECOVERY SYSTEMS, INC. (hereafter "CRS") by their respective attorneys having consented to the entry of this Consent Decree:

NOW, THEREFORE, before taking any testimony, upon the pleadings, and without admission ~~of~~ adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I.

This Court has jurisdiction over the parties and subject matter of this action.

II.

This Decree shall apply to and be binding upon the United States and CRS (the Parties) and the successors and assigns of each, as well as any agencies, instrumentalities, officers, directors, agents and servants thereof acting in their respective official capacities. CRS shall provide a copy of this Decree to each contractor it retains to perform work contemplated in this Decree and shall condition any contract for such work on

compliance with this Decree and applicable provisions of the approved plans as contemplated in this Decree.

### III

The mutual objectives of the parties to this Decree are the immediate abatement of a number of the hazardous conditions and operations at the CRS Site which existed both before and after CRS took title to the premises, the elimination of all discharges of contamination into groundwater by CRS and the Black River by CRS and the elimination of continuing environmental contamination at the site by CRS.

### IV

A. CRS shall immediately:

1. Remove all drums, barrels and other chemical waste containers on the bank of the Black River to a point at least thirty (30) feet from the edge of such embankment and in all events to a place where they are not in danger of falling into the Black River and restack all barrels, drums and other chemical waste containers so removed;

2. Ensure that all drums on the CRS site are stored in conformance with the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA 30);

3. Cease the receipt and removal of chemical wastes on site until further order of the Court or stipulation of the parties;

4. Cease from disposing or allowing, suffering or causing the disposal of any hazardous and solid wastes into the air and upon the ground at the site;

5. Ensure that all tanks and other bulk storage facilities on the CRS Site are ~~in conformity~~ <sup>to</sup> with the National Fire Protection Association, Flammable and Combustible Liquids Code (NFPA 30). Conformance with the Code shall be certified to EPA by an independent registered engineer within thirty (30) days of the entry of this consent decree;

6. Secure the CRS Site by completing the existing

fence so as to entirely enclose the facility and prevent access by unauthorized persons.

B. CRS shall present to the Regional Administrator, Region V, U.S. EPA for review and approval detailed plans to accomplish the remedial measures set forth below.

1. Removal and Disposal of Hazardous Wastes

Removal and disposal of hazardous wastes from the CRS Site shall be accomplished in accordance with a plan which shall be submitted within thirty (30) days of the entry of this Decree and which shall provide, at a minimum, for the following:

- a. Inventory and labeling of all drums, tanks, and other containers containing chemical wastes on site;
- b. Sampling, analysis, and labeling to identify hazardous wastes on the site, including quality assurance and quality control procedures;
- c. Transfer of contents of any leaking, rusted or damaged drums or containers into secure containers with lining suitable for the hazardous wastes they are to contain;
- d. Segregation of incompatible wastes;
- e. Procedures and materials to be used in any necessary transfer of wastes to different containers or relocation of hazardous wastes;
- f. Procedures for preventing hazardous waste release to the environment during handling activities, including protection from spills, leaks, airborne releases, and surface runoff;
- g. Contingency plans for failure, such as accidental releases of any pollutant to the environment;
- h. Proposed transportation and disposal procedures and disposal sites for the hazardous wastes;
- i. Removal of all solid, liquid and semi-solid hazardous wastes from the CRS Site which may threaten the environment.
- j. Appropriate safety equipment and procedures to be used in all phases of the operation, as required by the

Occupational Safety and Health Administration, Department of Transportation and EPA regulations.

## 2. Environmental Assessment

a. An environmental assessemnt shall be accomplished in accordance with a plan to be submitted within thirty (30) days of entry of this consent decree. It shall provide for the determination of the nature and extent of contamination of all soils, groundwaters, and the Black River by hazardous wastes stored, treated and disposed of on the CRS Site by CRS.

b. This plan shall provide for sampling and analysis of surface and subsurface soils, groundwaters and the waters of the Black River by hydrogeologists or engineers hired by CRS.

c. The environmental assessment shall be made by an independent testing consultant approved by EPA and in accordance with a testing plan approved by EPA.

d. The environmental assessment shall be completed within one hundred twenty (120) days of the approval of the plan by EPA.

## 3. Remedial Measures

Within thirty (30) day of the environmental assessment performed pursuant to Subparagraph IV, B, 2, CRS shall submit to EPA for review and approval a plan for the institution of remedial measures to mitigate <sup>Clean up abate</sup> environmental pollution of the soils and groundwaters resulting from CRS operations. The Remedial Plan shall be limited to the following:

a. Removal of all hazardous wastes located on the CRS Site which threaten the environment.

b. Measures to <sup>abate abate</sup> lessen leaching and runoff of chemical wastes into the Black River;

c. Removal of hazardous wastes impounded by the boom in the Black River:

d. Initiation of remedial measures as to the remedial plan within ten (10) days of EPA approval of the CRS plan;

e. Completion of all remedial measures agreed

What's submitted -  
to plan or to  
commit?

Why do we want to  
specify hydrogeologists &  
engineers to do  
sampling?

What does  
this mean?

Equip  
Purg & 4th floor  
of glaciators etc

MURPHY, BURNS  
MCINERNEY, P.C.  
ATTORNEYS AT LAW  
6000 CAMPBELL SQUARE  
BUILDING  
SAN MONROE, N.W.  
AND RAPIDS, MICHIGAN  
49703

Use replaced on  
am-1

Speed in R2

*PLA*  
*Monitors & maint*  
upon by CRS within one hundred eighty (180) days of approval of the Plan.

#### 4. Emergency Notice

CRS shall orally notify the Office of the Regional Administrator, Region V, US EPA, immediately upon the occurrence of any event which requires emergency action during the implementation of any provisions of this consent decree, which notice shall be followed by a written notification within ten (10) days.

#### 5. EPA Review

*Implementation*  
After presentation of any plan referred to above by CRS to EPA as required herein, EPA shall review the plans and notify CRS of its approval or disapproval, EPA shall specify in detail both the deficiencies of the plan and the reasons therefor. The plan, or any part thereof, which is approved by EPA and performance of which is not contingent upon determining or proceeding with an unapproved part of the plan shall, on the date of such approval, become final for purposes of this Decree.

#### 6. Resumed Still Operations

*This is loose & vague as to what happens*  
CRS may resume operation of the solvent recovery stills upon completion of remedial measures which shall ensure that they can be operated in a manner which does not present a threat to human health and the environment. The remedial measures shall be in accordance with a plan submitted by CRS and approved by EPA. Additional waste chemicals shall not be brought on site until termination of this Consent Decree pursuant to Paragraph XVII.

*you need to settle on the words you want to use - abate, mitigate or whatever.*

#### 1. Responsibilities and Liabilities

CRS is ultimately responsible for designing and implementing all remedial measures under the Remedial Plan necessary to lessen soil, groundwater and surface water contamination at the CRS site caused by CRS operations. No advice, guidance, suggestions or comments by EPA on plans and reports submitted by CRS shall be construed to relieve CRS of this responsibility or

transfer any of CRS' liability or obligation in this action to EPA.

*Presumptive  
of injury*

VI.

CRS shall submit progress reports to the Regional Administrator, Region V, US EPA, concerning any activities undertaken pursuant to a plan, within ten (10) days after the first day of each month during which such activities are in progress. In addition, upon EPA <sup>request</sup> demand, bi-weekly reports shall be provided at critical stages of implementation of plans.

VII.

Upon completion of the activities required in Paragraph IV-A of this decree, CRS shall submit a final progress report to the Regional Administrator, Region V, US EPA, representing that such measures have been completed in full satisfaction of the requirements of this Decree. As to the activities contemplated in subpart IV-B of this Decree, CRS shall submit a final progress report upon the conclusion of such activities according to the schedules specified in the plans for such activities.

VIII.

Whenever, under the terms of this Decree, a report or other document is required to be forwarded by one Party to another it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice in writing to the other Party of another individual designated to receive such communications. Reports or documents shall be provided as to EPA;

Regional Administrator  
United States Environmental  
Protection Agency  
Region V  
Atten: Enforcement Division Director  
230 South Dearborn Street  
Chicago, Illinois 60604

As to CRS;

Chemical Recovery Systems, Inc.  
300 Fourth Street  
Elyria, Ohio 44036  
Atten: James C. Freeman

MURPHY BURNS  
MCINERNEY, P.C.  
ATTORNEYS AT LAW  
1000 CAMPBELL SQUARE  
BUILDING  
C MONROE, N.W.  
D RAPIDS, MICHIGAN  
49303

XI

Until termination of the provisions of this Consent Decree and in accordance with paragraph XVII, the Environmental Protection Agency, its contractors and consultants, shall have authority to enter the CRS site at all reasonable times with prior notice to ~~and agreement by~~ CRS for the purpose of (1) inspecting records, operating logs, and contracts relative to matters covered by this Consent Decree; (2) monitoring the progress of CRS in designing and implementing the plans, and carrying out remedial measures; and, (3) verifying any data or information submitted by CRS to the EPA in accordance with the implementation of this Consent Decree. EPA shall have authority to order the suspension of CRS' business operations for such time as is necessary to protect human health or the environment.

X.

All sections required to be taken by this Decree shall be undertaken in compliance with the requirements of applicable federal laws, including the Occupational Safety and Health Act, U.S.C. 651 et seq., and regulations promulgated thereunder.

XI.

All data, information, remedial plans and other documents produced by CRS in the course of implementing this Consent Decree shall be available to the public, unless identified as confidential by CRS in conformance with 40 C.F.R. Part 2. The plans, sampling and monitoring data and hydrological and geological information shall not be considered confidential. Documents or information identified as confidential will be disclosed only in accordance with the confidentiality regulations of 40 C.F.R. Part 2.

XII

CRS agrees to fund all capital expenditures and to pay all expenses necessary to develop and implement the Remedial Plan as provided herein and to implement, operate and complete

the Remedial Plan so as to comply with this Consent Decree. CRS further agrees, that in order to insure the funding of plans in remedial measures, CRS shall file a personal corporate bond in an amount not to exceed Ten Thousand (\$10,000.00) Dollars.

Such bond shall be supplied to the Court no later than thirty (30) days after the entry of this Consent Decree and shall be maintained at full force and effect until the date that the Consent Decree is terminated pursuant to the provisions of paragraph XVII.

XIII.

No conveyance of title, easement, or other interest in the property referred to herein as the CRS site shall be consummated by CRS or subsequent holders of any interest in the property without notice as to the conditions of this Consent Decree until completion of the Remedial Plan.

oral or written?  
XIV.

Recognizing that EPA has incurred certain expenses for work which will aid in achieving CRS' objectives under this Decree, CRS agrees that it will reimburse the United States for such expenses in an amount not exceeding One (\$1.00) Dollar. Such payment shall be made within thirty (30) days after CRS receives from EPA an itemized written accounting of such expenses.

XV.

The Court shall retain jurisdiction of this matter for the purpose of enabling the Parties to this Decree to apply to the Court for any further order that may be needed to construe, carry out, modify, or enforce compliance with the terms of this Decree until the termination of this Decree in accordance with the provisions of paragraph XVII.

XVI.

Upon demand by Plaintiff and upon the appropriate Motion and Order of this Court, CRS shall pay to the United States an amount not to exceed One Hundred (\$100.00) Dollars per day for each day that it fails to comply with the provisions of this Consent Decree. In exercising its discretion in seeking to have the Court impose a penalty hereunder, Plaintiff shall take into

This is very low! Why no low?

Repeal remedies

Monetary etc.

What is that? who wants \$1.00?

Proving Science at Court all right to do work

MURPHY, BURNS  
KINERNEY, P.C.  
ATTORNEYS AT LAW  
1000 CAMPBELL SQUARE  
BUILDING  
DUNROD, N.W.  
ANN ARBOR, MICHIGAN  
48103

account the magnitude of the violation, the duration of the violation and any mitigating factors.

XVII.

The provisions of this Consent Judgment shall terminate upon CRS' receipt of written notice from EPA that the Remedial Plan has been successfully completed.

XVIII.

The Parties hereby consent to the entry of this Consent Decree without further notice.

Dated and entered this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

UNITED STATES DISTRICT JUDGE

The Parties agree and consent hereto.

JAMES W. MOORMAN  
Assistant Attorney General  
Land and Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

UNITED STATES ATTORNEY  
Northern District of Ohio

PAUL J. SCHAEFFER  
Attorney, Hazardous Waste Section  
Department of Justice  
Washington, D.C. 20530

FREDERICK F. STIEHL  
Hazardous Waste Task Force  
Environmental Protection Agency  
401 M Street, SW  
Washington, D.C. 20460

MARIAN NEUDEL  
Region V - Environmental Protection  
Agency  
Chicago, Illinois

MURPHY, BURNS  
MCINERNEY, P.C.  
ATTORNEYS AT LAW  
4000 CAMPBELL SQUARE  
BUILDING  
10 MONROE, N.W.  
10 RAPIDS, MICHIGAN  
49303

CHEMICAL RECOVERY SYSTEMS INCORPORATED

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

MURPHY, BURNS & McINERNEY, P.C.

BY: Gary J. McInerney  
Attorney for Defendant  
4000 Campau Square Building  
180 Monroe, NW  
Grand Rapids, Michigan 49503

DAVID C. LONG COMPANY, LPA

BY: David C. Long  
300 Fourth Street  
P. O. Box 427  
Elyria, Ohio 44036

MURPHY BURNS  
& McINERNEY, P.C.  
ATTORNEYS AT LAW  
4000 CAMPAN SQUARE  
BUILDING  
MONROE, N.W.  
GRAND RAPIDS, MICHIGAN  
49503



U.S. Department of Justice

*United States Attorney  
Northern District of Ohio*

*U.S. Courthouse  
Cleveland, Ohio 44114*

April 23, 1981

Mr. Paul J. Schaeffer  
U.S. Department of Justice  
Main  
Land and Natural Resources  
Division  
Hazardous Waste Section  
Room 1515  
Washington, D. C. 20530

Re: United States v. Chemical Recovery  
Systems, Inc.  
Civil Action No. C80-1858

Dear Mr. Schaeffer:

In reference to the above-captioned case, enclosed  
please find a copy of the Notice Of Persons To Be Deposed  
By Defendant.

Very truly yours,

JAMES R. WILLIAMS,  
United States Attorney

By Kathleen Ann Sutula  
Assistant U.S. Attorney  
FTS/293-4394

Enclosure

cc: Frederick F. Stiehl  
Marian Neudel  
Michael Kosakowski

**ENCLOSURE FOR YOUR INFORMATION**

United States of America vs.

Re: Chemical Recovery Systems, Inc.

Date: April 20, 1981

Our File No.: \_\_\_\_\_

Your File No.: C80-1858

We enclose the following to keep you informed of the progress of this matter:

Copy of Notice of Persons to be Deposed by Defendant which I have filed  
in the above-captioned matter.

Please contact us if you have any questions.

TO  
Kathleen Ann Sutula, Esq.  
Assistant U.S. Attorney  
400 U.S. Courthouse  
Cleveland, Ohio 44114

**DAVID C. LONG CO., L.P.A.**

**ATTORNEY AT LAW**

300 FOURTH STREET — P. O. BOX 427

ELYRIA, OHIO 44035

PHONE: (216) 323-3331

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, ) CIVIL ACTION NO. C80-1858  
 )  
Plaintiff, ) JUDGE ANN ALDRICH  
 )  
vs. )  
 )  
CHEMICAL RECOVERY SYSTEMS, INC., ) NOTICE OF PERSONS TO BE  
 ) DEPOSED BY DEFENDANT  
 )  
Defendant. )

Now comes Defendant, CHEMICAL RECOVERY SYSTEMS, INC.,  
by and through its attorneys, and gives notice of its intention  
to take the depositions of the persons hereinafter set forth:

CITY OF ELYRIA, OHIO

Ernest G. Bartha  
Vince Howard  
Greg Worchester  
William Fullgrabe  
G. M. Bell  
Ed Huffman  
Mr. Slack (Health Department)  
Archie Evans  
Richard J. Bergman  
Lonny Shippy  
Bill Dobbins  
Charles R. Hoagland  
John Hart  
Charles B. Coen  
Robert Steinke

OHIO ENVIRONMENTAL PROTECTION AGENCY

Jim Erwin  
Paul Brock  
Mike Dalton  
Mark Schmidt  
Melinda Becker  
Ken M. Harsh  
Jim Veres  
Wm. T. Skowronski

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY, REGION V

Ms. Pat Reape  
Eric Cohen  
Y. J. Kim  
Melanie S. Toepfer *gone to Sta. Oil (and)*  
Leon Acierto  
Gene Meyer  
Dan Watson  
Charles T. Grigalauski  
Douglas A. Johns

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY HEADQUARTERS

Michael W. Kosakowski  
Tom Evans

NATIONAL INSTITUTE FOR OCCUPATIONAL  
SAFETY AND HEALTH

William N. Albrecht  
Dawn Tharr

OSHA

Ronald Huffman

INDUSTRIAL COMMISSION OF OHIO

David C. Taber

OHIO STATE FIRE MARSHALL'S OFFICE

Jack Graves  
Les Brownell

HARSHAW CHEMICAL COMPANY

Robert McCarthy  
Mr. McDonald  
Mike Minnich  
Charlie Kopple  
Art Longano

Defendant reserves the right to depose additional persons not listed herein should the need therefor become apparent as discovery progresses.

Defendant will make every effort to schedule these depositions as soon as possible with due regard for the scheduling problems of Plaintiff's counsel.

DAVID C. LONG CO., L.P.A.

BY: \_\_\_\_\_  
DAVID C. LONG  
Attorney for Defendant  
300 Fourth St., P.O. Box 427  
Elyria, Ohio 44036  
Tel. (216) 323-3331

MURPHY, BURNS & MCINERNEY, P.C.

BY: \_\_\_\_\_  
GARY J. MCINERNEY

\_\_\_\_\_  
RICHARD A. STEVENS  
Attorneys for Defendant  
4000 Campau Square Building  
180 Monroe, N.W.  
Grand Rapids, Michigan 49503  
Tel. (616) 458-5005

PROOF OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Persons to be Deposed by Defendant was served by regular U.S. mail upon Kathleen Ann Sutula, Assistant U.S. Attorney, Attorney for Plaintiff, 400 U.S. Courthouse, Cleveland, Ohio 44114, this 20<sup>th</sup> day of April, 1981.

\_\_\_\_\_  
DAVID C. LONG  
Attorney for Defendant

Answers to interrogatories from CRS

Marian Neudel

Kathleen Sutula, AUSA, M. Dist. Ohio

The following are the answers we are in a position to provide:

1. Marian H. Neudel  
U.S. EPA Enforcement  
Region V EWHME  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attorney, U.S. EPA; Litigation  
preparation and enforcement  
1, 2, and (indirectly) all others
- Leon Acierto  
U.S. EPA Enforcement  
Region V EWHME  
230 South Dearborn Street  
Chicago, Illinois 60604  
Engineer, U.S. EPA; same duties  
All except 1, 11, 27, 28, 29, 30,  
31, 32 and 33
2. Charles Grigalauski, U.S. EPA Air and Hazardous Materials Section,  
Hazardous Waste Management Section, (mailing code 5 AWHM), engineer, 1979.  
Melanie Toepfer--environmental scientist, U.S. EPA Enforcement, Region V  
(same address as Leon's), inspected site 2/80.  
Eugene Meyer--chemist, U.S. EPA Air and Hazardous Materials, Waste  
Management Branch, (mailing code 5 AWHM), inspected site 2/80  
Walter Redmon--biologist, U.S. EPA Permit Assistance Section (mailing  
code 5EP), has been consulted about aquatic life in Black River, 1980.  
Y.J. Kim--engineer, U.S. EPA Waste Management Branch, Chief of Process  
Evaluation Unit, Mailing code 5AWHM, consulted on still, 1980 George Phelus,  
U.S. EPA Enforcement Region V, attorney (same address as mine), assigned  
to CRS case between 1979-1980.  
others assigned to case: Doug Johns, Frank Birus, Kathleen Sutula,  
Paul Schaeffer, Fred Stiehl, Mike Kosakowski, Don Easterling, Dan Watson,  
(                                 Murphy).
3. a) 10/16/79  
b) Charles Grigalauski  
c) State Fire Marshal's office
4. a) 10/26/79  
b) Leon Acierto  
c) site inspections
5. a) 2/5/80  
b) L. Acierto, M. Toepfer, E. Meyer, F. Birus  
c) site inspection

6. a) 7/17/80, on receiving results of 2/5/80 sampling  
b) L. Acierto, F. Biros  
c) U.S. EPA Central Regional Laboratory, Chicago
7. a) 2/5/80  
b) L. Acierto, M. Toepfer, F. Biros, E. Meyer, D. Watson  
c) site inspection
8. a) 11/26/79  
b) D. Watson  
c) site inspection
9. a) 12/5/79  
b) C. Grigalauski  
c) site inspection
10. a) 12/5/79  
b) C. Grigalauski  
c) site inspection
11. a) 11/26/79  
b) D. Watson  
c) site inspection
12. a) combination of many organic chemicals--details in 7/14/80 analysis report already provided to CRS under request to produce  
b) Using ASTM D 93-77 Flash Point determination by Pensky-Martins closed tester
13. U.S.G.S. Geological information and expert opinions
14. a) 11/26/79  
b) Not formally, but various local and state agencies in contact with us had already done so, or did so at about the same time.
15. N/A
16. (Use estimate provided by letter)
17. a) As stated in survey and analysis reports for 11/26/79, 2/5/80, and 4/23-24/80, already provided under request to produce  
b) Ditto  
c) standard U.S. EPA sampling procedure see Handbook for Monitoring Industrial Wastewater, U.S. EPA Technology Transfer (pub. G.P.O.)  
d) standard USEPA storing procedure see Handbook for Monitoring Industrial Wastewater (pub. G.P.O.)  
e) U.S. EPA Central Regional Laboratory, Chicago  
f) methods specified in 40 CFR part 136  
g) see answer to a)  
h) have already done so

B. None, other than those provided by Plaintiff in response to the 11/5/80 request for production by defendant.

18. Field Inspection Team contractors

19. 3/25/81--discussed hydrogeological survey of CRS site

20. None to date

21. N/A

22. None to date

23. N/A

24. Yes

25. a) pursuant to civil litigation

b) Harshaw Chemical Company

c) U.S. EPA Enforcement, Region V and Eastern District Office

d) 1971-77 (intermittently)

e) compliance inspections 12/9/75, river sampling 11/18/71; 9/9/74, and 10/31/75

f) briefly: Harshaw was found to be discharging metals, ammonia, and oils and grease in amounts beyond permit limits

26. U.S. v. Harshaw Chemical Company, no. C-72-214 (N.D. Ohio)--consent decrees entered 2/27/74 and 3/4/77. No other proceedings known to us at this time.

27. (Kathy--you have copies of the Harshaw proceedings--will you attach?)

28. Y.J. Kim--date given in our answer to Q.2. Murphy?

29. Isn't "all other persons who may be witnesses" improperly vague?

cc: Paul Schaeffe

Fred Stiehl

Mike Kosakowski

bcc: Acierito/Miner  
Walker/Schulteis/Grimes/Fenner/Bryson

MNEUDEL:wj:3-2094:4-6-81

WALKER  
4/5/81

WALKER  
4/6

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,  
Plaintiff

CITY OF HAMILTON,  
Plaintiff-Intervenor

RANSOHOFF COMPANY,  
Plaintiff-Intervenor

v.

CHEM-DYNE CORPORATION, et al.,  
Defendants

CIVIL ACTION NO:  
C-1-79-703

UNITED STATES' FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS

Plaintiff, the United States of America, pursuant to Rules  
26 and 34 of the Federal Rules of Civil Procedure, requests that  
defendants produce the documents hereinafter described and permit  
attorneys for the plaintiff to inspect and copy them. Plaintiff  
requests that the documents be made available for this inspection  
at 500 Ford Boulevard in Hamilton, Ohio.

Plaintiff further requests that this inspection be permitted  
by defendants immediately after defendants' response to this  
request has been filed, and that their attorneys be permitted to  
remove from defendants' custody such of the documents as they  
desire to copy, on the understanding that plaintiff's attorneys  
will be responsible for these documents so long as they are in  
their possession, that copying will be done at plaintiff's expense,  
and that the documents will be promptly returned immediately after  
copying has been completed.

This request is intended to cover all documents in possession of any of the defendants or subject to their custody and control, whether they are located at any premises owned, operated, controlled or frequented by defendants or otherwise.

#### DEFINITIONS

"Documents" mean, without limitation, the following items, whether printed, recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or written or produced by hand: correspondence; telegrams; memoranda; summaries or records of telephone conversations; summaries or records of personal conversations or interviews; summaries or records of meetings or conferences; opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of material including chemicals; photographs or motion pictures or video tapes; charts or graphs; brochures, pamphlets, advertisements or circulars; speeches, press releases or newspaper clippings; contracts, agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebooks, datebooks, calendars or appointment books; plans, drawings, sketches or maps; licenses, permits, permissions to operation from any local, State or Federal agency; manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

The "Chem-Dyne site" means the premises located at and around 500 Ford Boulevard, Hamilton, Ohio, whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals or chemical wastes

or materials contaminated by chemicals or chemical wastes.

"Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the Chem-Dyne site, the "synthetic fuel" or "Chem-Fuel" produced at the Chem-Dyne site, and sand or other absorbent material which contains chemicals which have been spilled or poured into the material at the Chem-Dyne site and any and all other solid or hazardous wastes as those terms are defined in the Resource Conservation and Recovery Act, 42 U.S.C. § 6903.

The documents covered by this request are as follows:

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which state what chemicals or chemical wastes were transported to the Chem-Dyne site between January 1976 and the present.
2. All documents, including but not limited to sales agreements, contracts, order forms, records of conversations, and charts, which state or project what chemicals or chemical wastes will be transported to the Chem-Dyne site between the present and July 30, 1980.
3. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence or other business records which state the quantity of chemicals or chemical wastes, in solid and/or liquid form, or the number of drums or drum equivalents that were transported to, stored on and/or processed on the Chem-Dyne site during any and all periods between January 1, 1976 and the present.

4. All documents, including but not limited to sales agreements, contracts, order forms, records of conversations and/or charts which state or project the quantity of chemicals or chemical wastes in solid and/or liquid form or the number of drums or drum equivalents, which will be transported to, stored on and/or processed on the Chem-Dyne site between the present and July 30, 1980.

5. All documents, including but not limited to consultants or contractor's reports, test results, memoranda of any local State or Federal agency which states or projects the existence or nonexistence of soil and/or groundwater at, around and under the Chem-Dyne site which is contaminated by chemicals or chemical wastes.

6. All documents, including but not limited to bills of lading invoices, sales slips, notes, diaries or business records, showing the amount of sand or other absorbent material purchased and projected to be purchased by defendants, its employees, agents assigns or contractors between January 1, 1976 and July 30, 1980.

7. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which transport chemical or chemical wastes to the Chem-Dyne site; sell or otherwise transfer chemicals or chemical wastes to the defendants for transport to the Chem-Dyne site; sell or otherwise transfer chemicals or chemical wastes to third parties for transport to the Chem-Dyne site, including but not limited to Seymour Recycling Corporation of Seymour, Indiana; Pristine, Inc., of Ohio and Robert Ross & Sons, Ltd. of Ohio. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, order forms,

records of conversations, diaries, notes, graphs and any other writing or communication.

8. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which receive chemicals or chemical wastes, or sold chemical or chemical wastes or to whom chemicals or chemical wastes are transferred from the Chem-Dyne site, including but not limited to Seymour Recycling Corporation; Pristine, Inc.; Robert Ross & Sons, Ltd. and the Cincinnati Municipal Incinerator.

9. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes received by the persons, corporations, associations, municipalities or other entities described in request 8 above between January 1, 1976 and the present.

10. All documents which describe any and all legal or other relationships between the persons, corporations, associations, municipalities or other entities including but not limited to articles of incorporation, partnership or trust agreements, land contracts or deeds, contracts and documents showing common officers, directors, incorporators, employees and/or agents.

11. All documents, including but not limited to licenses, permits, permissions, and approvals of any local, State or Federal agency, which state that the entities to which chemicals or chemical wastes were sold or transferred were or are fit to take the particular chemical or chemical waste received in the quantity and in the container in which it was received.

12. All documents which describe, state or record events or occasions where chemicals or chemical wastes from the Chem-Dyne site were rejected, returned or otherwise transferred back to Chem-Dyne or any other facility owned, operated or controlled by the defendants for whatever reason. Such documents shall include but not be limited to notes, citations, records of telephone conversations, correspondence, memoranda and any other communication or writing.

13. All documents relating to any process employed by defendants between January 1, 1976 and the present to treat, handle, dispose of, reprocess or recycle chemicals or chemical wastes at the Chem-Dyne site.

14. All documents, including but not limited to manuals, handbooks, training course literature, brochures, and memoranda, which describe or state procedures for transport, packaging, handling, storage, treatment and disposal of chemicals or chemical wastes on or off the Chem-Dyne site between January 1, 1976 and the present.

15. All documents which state, describe, list or explain the services offered at the Chem-Dyne site for transportation, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brochures, correspondence and business cards.

16. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired, or paid by any of the defendants between January 1, 1976 and the present, particular chemical or chemical waste received in one quantity and in the container in which it was received.

17. All documents, including but not limited to all past and current permits, licenses, certificates, authorizations and approvals, evidencing the right or authority of the defendants to:

- a. transact business in any form or manner other than as a sole proprietorship under the names of the defendant;
- b. engage in the treatment, transport, storage, handling or disposal of chemicals or chemical wastes at the Chem-Dyne site;
- c. deliver, transport, collect or dispose of industrial chemicals, materials or waste, at any generator, transshipment point or disposal facility, including but not limited to landfill and incinerators.

18. All documents evidencing correspondence, conversations or other contact between defendants and any local, State or Federal agency, concerning the handling, transport, treatment, storage or disposal of chemicals and chemical wastes at the Chem-Dyne site, including but not limited to Interstate Commerce Commission and Public Utility Commission approvals and citations for violations of any local State or Federal law.

19. All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from the defendants, net worth statements, financial statements, check

registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies of Federal tax forms 1120, 1120S, 1040, 941 and 940, which indicate the financial condition of any and/or all of the defendants.

*Paul J. Schaeffer*

Paul J. Schaeffer, Esq.  
Lands and Natural Resources  
Division  
Department of Justice  
9th & Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 633-5246

*Maureen A. Brennan*

Maureen A. Brennan, Esq. *p.j.s.*  
EN-335, Rm 1123  
United States Environmental Protection Agency  
Hazardous Waste Enforcement Task Force  
401 M Street, S.W.  
Washington, D.C. 20460  
(202) 426-8710

*Jonathan T. McPhee*

Jonathan T. McPhee, Esq. *p.j.s.*  
United States Environmental Protection Agency  
Region V  
Enforcement Division  
230 S. Dearborn Street  
Chicago, Illinois 60604  
(312) 353-2094

CERTIFICATE OF SERVICE

I hereby certify that this \_\_\_\_ day of February 1980, I have served copies of the foregoing UNITED STATES' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS by depositing copies thereof in the United States Mails, U.S. Postage Prepaid addressed to the following parties:

Thomas T. Terps, Esquire  
Taft, Stettinius & Hollister  
600 Dixie Terminal Building  
Cincinnati, Ohio 45202

Hugh D. Holbrock, Esquire  
Holbrock & Jonson  
315 S. Monument Avenue  
Hamilton, Ohio 45011

Lester W. Koehler, Esquire  
Director of Law - Room 303  
Municipal Building  
City of Hamilton  
High & Monument Avenue  
Hamilton, Ohio 45011

James T. Farrell, Esquire  
Dinsmore, Shohl, Coates & Deupree  
2100 Fountain Square Plaza  
511 Walnut Street  
Cincinnati, Ohio 45202

Paul J. Schaeffer  
Attorney, Hazardous Waste Section

Macneer, A. Schaeffer, Ltd.  
311-3311  
United States Environmental Agency  
Hazardous Waste Enforcement Section  
Region 5  
231 S. Dearborn Street  
Chicago, Illinois 60604  
(312) 311-3311

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Chemical Recovery System,  
INC., et al.,

Defendants.

Civil No.

UNITED STATES FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

The Plaintiff, United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendants, Chemical Recovery System, Inc. produce the documents hereinafter described and permit attorneys for the Plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at the Office of the United States Attorney for the Northern District of Ohio, 400 U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114.

Plaintiff further requests that this inspection be permitted by defendants immediately after defendants' response to this request has been filed, and that their attorneys be permitted to remove from defendants' custody such of the documents as they desire to copy, on the understanding that plaintiff's attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiff's expense, and that the documents will be promptly returned immediately after copying has been completed.

1. For each document produced in response to a request for production or an interrogatory, indicate on the document or in some other reasonable manner the numbered request(s) and subpart(s) hereof to which

it responds. Documents created and applicable before January 1, 1974, need not be supplied. Documents created before January 1, 1974, and applicable after that date should be supplied.

2. If anything is deleted from a document produced in response to the requests for productions, state:

- (a) The reason for the deletion, and
- (b) The subject matter of the deletion.

3. This request covers all documents in the possession, control or custody of the Defendant, its officers, employees, agents, servants, attorneys and assigns.

4. Response shall state, where applicable, whether documents described by any requests or subpart hereof, either are not within defendant's possession, custody or control--and if not, in whose possession, custody or control such documents may be found--or do not exist.

#### DEFINITIONS

1. "Documents" means, without limitation, the following items, whether printed, recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or written, or produced or written by hand: correspondence; telegrams; memoranda; summaries or records of telephone conversations; summaries or records of personal conversations or interviews; summaries or records of meetings or conferences; opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of material including chemicals; photographs or motion pictures or video tapes; charts or graphs; brochures, pamphlets, advertisements or circulars; speeches, press releases or newspaper clippings;

contracts, agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebooks, datebooks, calendars or appointment books; plans, drawings, sketches or maps; licenses, permits, permissions to operate from any local, state or federal agency; manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

2. The "CRS site" means the premises located at and around 146 Locust Street, Elyria, Ohio and described in paragraph #1 of plaintiff's Complaint, whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals or chemical wastes or materials contaminated by chemicals or chemical wastes.

3. "Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the CRS site, paint solvents and paint sludges processed and/or produced at the site, and any and all other solid or hazardous wastes as those terms are defined in the Resource Conservation and Recovery Act, 42 U.S.C. 6903.

4. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

The documents covered by this request are as follows:

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which state what chemicals or chemical wastes were transported to the CRS site between January 1, 1974, and the present.

2. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence or other business records which state the quantity of chemicals or chemical wastes, in solid and/or liquid form, or the number of drums or drum equivalents that were transported to, stored on and/or processed on the CRS site during any and all periods between January 1, 1974, and the present.

3. All documents, including but not limited to consultants' or contractor's reports, obtained by or under contract to CRS or any other corporation or person, memoranda of any local, State or Federal agency which states or projects the existence or nonexistence of soil and/or groundwater at, around and under the CRS site which is contaminated by chemicals or chemical wastes, or describes the hydrogeological conditions at and under the site.

4. All documents which describe state or list the persons, corporations, associations, municipalities or other entities which transport or have transported chemical or chemical wastes to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to the defendants for transport to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to third parties for transport to the CRS site. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, order forms, records of conversations, diaries, notes, graphs and any other writing or communication.

5. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which receive chemicals or chemical wastes, or sold chemical or chemical wastes or to whom chemicals or chemical wastes are or were transferred from the CRS site.

6. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes received by the persons, corporations, associations, municipalities or other entities described in request 5 above, between January 1, 1974, and the present.

7. All documents which describe any and all legal or other relationships between the persons, corporations, and associations, which deliver to or receive chemical wastes from the CRS site and the defendants, or any current or former officers or agents of defendant CRS, including but not limited to articles of incorporations, partnership or trust agreements, land contracts or deeds, contracts and documents showing common officers, directors, incorporators, employees and/or agents.

8. All documents, including but not limited to licenses, permits, permissions, and approvals of any local, State or Federal agency, which state that the entities to which chemicals or chemical wastes were sold or transferred were or are fit to take the particular chemical or chemical waste received in the quantity and in the container in which it was received.

9. All documents which describe, state or record events or occasions where chemicals or chemical wastes from the CRS site were rejected, returned or otherwise transferred back to CRS or any other facility owned, operated or controlled by the defendants for whatever reason. Such documents shall include but not be limited to notes, citations, records of telephone conversations, correspondence, memoranda and any other communication or writing.

10. All documents relating to any process employed by defendants between January 1, 1974, and the present to treat, handle, dispose of, reprocess or recycle chemicals or chemical wastes at the CRS site.

11. All documents, including but not limited to manuals, handbooks, training course literature, brochures, and memoranda, which describe or state procedures for transport, packaging, handling, storage, treatment and disposal of chemicals or chemical wastes on or off the CRS site between January 1, 1974, and the present.

12. All documents, which state, describe, list or explain the services offered at CRS site for transportation, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brochures, correspondence and business cards.

13. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired or paid by any of the defendants between January 1, 1974, and the present.

14. All documents, including but not limited to all past and current permits, licenses, certificates, authorizations, and approvals, evidencing the right or authority of any of the defendants to:

- (a) Transact business in any form or manner other than as a sole proprietorship under the name of the defendant;
- (b) Engage in the treatment, transport, storage, handling or disposal of chemicals or chemical wastes at the CRS site;
- (c) Deliver, transport, collect or dispose of industrial chemicals, materials or waste, at any generator, transshipment point or disposal facility, including but not limited to landfill and incinerators.

15. All documents evidencing correspondence, conversations, or other contact between any of the defendants and any local, State or Federal agency, concerning the handling, transport treatment storage or disposal of chemicals and chemical wastes at the CRS site, including but not limited to Interstate Commerce Commission and Public Utility Commission approvals, and citations for violations of any local, State or Federal law.

16. All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from any of the defendants, net worth statements, financial statements, annual reports, check registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies of Federal tax forms 1120, 11205, 1040, 941 and 94 and 940, which indicate the financial condition of defendants and all current and former officers of defendant CRS, during their tenure as officers.

17. All documents, including but not limited to leases, land contracts, real estate contracts and contracts relating to the leasing, buying, and/or contracting of the land or part of the land and/or buildings at the CRS site.

18. All documents, including but not limited to contracts and cancelled checks, relating to the purchasing of the business, logo, telephone number, equipment and/or customer lists from Obbitts Chemical Company and/or Chemical Recovery Systems.

19. All documents that are part of employees' records, including but not limited to employee applications & payroll records.

20. All permits from the State of Ohio.

21. All documents relating to the purchase and/or use of power, fuel, and/or equipment.

CERTIFICATE OF SERVICE

This is to certify that I have this 15th day of April, 1980, deposited in the United States mail at Cleveland, Ohio, a copy of the attached United States' First Set of Requests for Production of Documents, properly addressed to:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Chemical Recovery System,  
INC., et al.,

Defendants.

Civil No.

UNITED STATES FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

The Plaintiff, United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendants, Chemical Recovery System, Inc. produce the documents hereinafter described and permit attorneys for the Plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at the Office of the United States Attorney for the Northern District of Ohio, 400 U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114.

Plaintiff further requests that this inspection be permitted by defendants immediately after defendants' response to this request has been filed, and that their attorneys be permitted to remove from defendants' custody such of the documents as they desire to copy, on the understanding that plaintiff's attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiff's expense, and that the documents will be promptly returned immediately after copying has been completed.

1. For each document produced in response to a request for production or an interrogatory, indicate on the document or in some other reasonable manner the numbered request(s) and subpart(s) hereof to which

it responds. Documents created and applicable before January 1, 1974, need not be supplied. Documents created before January 1, 1974, and applicable after that date should be supplied.

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(a) The reason for the deletion, and

(b) The subject matter of the deletion.

3. This request covers all documents in the possession, control or custody of the Defendant, its officers, employees, agents, servants, attorneys and assigns.

4. Response shall state, where applicable, whether documents described by any requests or subpart hereof, either are not within defendant's possession, custody or control--and if not, in whose possession, custody or control such documents may be found--or do not exist.

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contracts, agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebooks, datebooks, calendars or appointment books; plans, drawings, sketches or maps; licenses, permits, permissions to operate from any local, state or federal agency; manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

2. The "CRS site" means the premises located at and around 146 Locust Street, Elyria, Ohio and described in paragraph #1 of plaintiff's Complaint, whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals or chemical wastes or materials contaminated by chemicals or chemical wastes.

3. "Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the CRS site, paint solvents and paint sludges processed and/or produced at the site, and any and all other solid or hazardous wastes as those terms are defined in the Resource Conservation and Recovery Act, 42 U.S.C. 6903.

4. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

The documents covered by this request are as follows:

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which state what chemicals or chemical wastes were transported to the CRS site between January 1, 1974, and the present.

2. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence or other business records which state the quantity of chemicals or chemical wastes, in solid and/or liquid form, or the number of drums or drum equivalents that were transported to, stored on and/or processed on the CRS site during any and all periods between January 1, 1974, and the present.

3. All documents, including but not limited to consultants' or contractor's reports, obtained by or under contract to CRS or any other corporation or person, memoranda of any local, State or Federal agency which states or projects the existence or nonexistence of soil and/or groundwater at, around and under the CRS site which is contaminated by chemicals or chemical wastes, or describes the hydrogeological conditions at and under the site.

4. All documents which describe state or list the persons, corporations, associations, municipalities or other entities which transport or have transported chemical or chemical wastes to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to the defendants for transport to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to third parties for transport to the CRS site. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, order forms, records of conversations, diaries, notes, graphs and any other writing or communication.

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6. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes received by the persons, corporations, associations, municipalities or other entities described in request 5 above, between January 1, 1974, and the present.

7. All documents which describe any and all legal or other relationships between the persons, corporations, and associations, which deliver to or receive chemical wastes from the CRS site and the defendants, or any current or former officers or agents of defendant CRS, including but not limited to articles of incorporations, partnership or trust agreements, land contracts or deeds, contracts and documents showing common officers, directors, incorporators, employees and/or agents.

8. All documents, including but not limited to licenses, permits, permissions, and approvals of any local, State or Federal agency, which state that the entities to which chemicals or chemical wastes were sold or transferred were or are fit to take the particular chemical or chemical waste received in the quantity and in the container in which it was received.

9. All documents which describe, state or record events or occasions where chemicals or chemical wastes from the CRS site were rejected, returned or otherwise transferred back to CRS or any other facility owned, operated or controlled by the defendants for whatever reason. Such documents shall include but not be limited to notes, citations, records of telephone conversations, correspondence, memoranda and any other communication or writing.

10. All documents relating to any process employed by defendants between January 1, 1974, and the present to treat, handle, dispose of, reprocess or recycle chemicals or chemical wastes at the CRS site.

11. All documents, including but not limited to manuals, handbooks, training course literature, brochures, and memoranda, which describe or state procedures for transport, packaging, handling, storage, treatment and disposal of chemicals or chemical wastes on or off the CRS site between January 1, 1974, and the present.

12. All documents, which state, describe, list or explain the services offered at CRS site for transportation, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brochures, correspondence and business cards.

13. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired or paid by any of the defendants between January 1, 1974, and the present.

14. All documents, including but not limited to all past and current permits, licenses, certificates, authorizations, and approvals, evidencing the right or authority of any of the defendants to:

- (a) Transact business in any form or manner other than as a sole proprietorship under the name of the defendant;
- (b) Engage in the treatment, transport, storage, handling or disposal of chemicals or chemical wastes at the CRS site;
- (c) Deliver, transport, collect or dispose of industrial chemicals, materials or waste, at any generator, transshipment point or disposal facility, including but not limited to landfill and incinerators.

15. All documents evidencing correspondence, conversations, or other contact between any of the defendants and any local, State or Federal agency, concerning the handling, transport treatment storage or disposal of chemicals and chemical wastes at the CRS site, including but not limited to Interstate Commerce Commission and Public Utility Commission approvals, and citations for violations of any local, State or Federal law.

16. All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from any of the defendants, net worth statements, financial statements, annual reports, check registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies of Federal tax forms 1120, 11205, 1040, 941 and 94 and 940, which indicate the financial condition of defendants and all current and former officers of defendant CRS, during their tenure as officers.

17. All documents, including but not limited to leases, land contracts, real estate contracts and contracts relating to the leasing, buying, and/or contracting of the land or part of the land and/or buildings at the CRS site.

18. All documents, including but not limited to contracts and cancelled checks, relating to the purchasing of the business, logo, telephone number, equipment and/or customer lists from Obbitts Chemical Company and/or Chemical Recovery Systems.

19. All documents that are part of employees' records, including but not limited to employee applications & payroll records.

20. All permits from the State of Ohio.

21. All documents relating to the purchase and/or use of power, fuel, and/or equipment.

CERTIFICATE OF SERVICE

This is to certify that I have this 15th day of April, 1980, deposited in the United States mail at Cleveland, Ohio, a copy of the attached United States' First Set of Requests for Production of Documents, properly addressed to:

---

Draft

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, )  
 )  
 )  
 Plaintiff, )  
 vs. ) Civil No.  
 )  
 )  
 Chemical Recovery System, )  
 )  
 INC., et al., )  
 )  
 Defendants. )

\$UUNITED STATES FIRST SET OF REQUESTS\$U Center  
\$UFOR PRODUCTION OF DOCUMENTS\$U

The Plaintiff, United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendants, Chemical Recovery System, Inc. <sup>Produce</sup> the documents hereinafter described and permit attorneys for the Plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at the Office of the United States Attorney for the Northern District of Ohio ~~Federal Building, 507 State Street~~ 400 U.S. Courthouse 201 Superior Avenue, Cleveland, Ohio 44114 Plaintiff further requests that this inspection be permitted by defendants immediately after defendants' response to this request a<has been filed, and that their attorneys be permitted to remove from defendant's custody

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BEGIN TYPING HERE such of the documents as they desire to copy, on the understanding that

plaintiff's attorneys will be responsible for these documents so long  
as they are in their possession, that copying will be done at plaintiff's  
expense, and that the documents will be promptly returned immediately  
after copying has been completed.

1. For each document produced in response to a request for production  
or an interrogatory, indicate on the document or in some other  
reasonable manner the numbered request(s) and subpart(s) hereof to which  
it responds. Documents created and applicable before January 1, 1974, need  
not be supplied. Documents created before January 1, 1974, and applicable  
after that date should be supplied.

2. If anything is deleted from a document produced in response  
to the interrogatories and requests for productions, state:  
*delete*

(a) The reason for the deletion, and

(b) The subject matter of the deletion.

3. This request covers all documents in the possession, control or  
custody of the Defendant, its officers, employees, agents, servants,  
attorneys and assistants.

4. Response shall state, where applicable, whether documents described by  
any requests or subpart hereof, either are not within defendants's

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possession, custody or control--and if not, in whose possession, custody or control such documents may be found--or do not exist.

\$UDEFINITIONS\$U

1. "Documents" mean<sup>S</sup>, without limitation, the following it<sup>N</sup>es, whether printed, recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or w<sup>N</sup>ritten, or produced or written by hand: correspondence; telegrams; mem<sup>N</sup>oranda; summaries or records of telephone conversations; summaries or records of personal conversations or interviews; summaries or records of meetings or conferences; opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of material including chemicals; photographs or motion pictures or video tapes; charg<sup>N</sup>es or graphs; brochures, pamphlets, advertisements or circulars; speeches, press relae<sup>N</sup>ses or newspaper clippings; contracts, agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebood<sup>N</sup>ks, datebooks, calendars or appointment books; plans, drawn<sup>N</sup>ings, sketches or maps; licenses, permits, permissions to operate <sup>N</sup>from any local, state or federal agency; manifest<sup>S</sup>, bills of lan<sup>N</sup>ding, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produ<sup>N</sup>ced including any drafts of any document or any document which contains marginal comments.

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2. The "CRS site" means the pre-ises located at and around

146 Locust Street, C<Elyria, Ohio and <sup>M</sup>is described in paragraph one of ~~delete~~ plaintiff's Complaint, whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals or chemical wastes or materials contaminated by chemicals or chemical wastes.

3. "Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the CRA<S site, paint solvents and pao<int sludges processed and/or produced at the site, and any ana<d all other solid or hazardous wastes as those i<terms are defined in the Rec<soucr<<Resources< Conservation and Recovery Act, 42 U.S.C. 6903.

4. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

The documents covered by this request are as follw<ows:

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which state what chemicals or chemical wasteS were transported to the CRS site between January 1, 1974, and the present.

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2. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence or other business records which state the quantity of chemicals or chemical wastes, in solid and/or liquid form, or the number of drums or drum equivalents that were transported to, stored on and/or processed on the CRS site during any and all periods between January 1, 1974, and the present.

3. All documents, including but not limited to consultants' or contractor's reports, obtained by or under contract to CRS or any other corporation or person, memoranda of any local, State or Federal agency which states or projects the existence or nonexistence of soil and/or groundwater at, around and under the CRS site which is contaminated by chemicals or chemical wastes, or describes the hydrogeological conditions at and under the site.

4. All documents which describe, state or list the persons, corporations, associations, municipalities or other <sup>entities</sup> which transport or have transported chemical or chemical wastes to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to the defendants for transport to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to third parties for transport to the CRS site. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, order forms, records of conversations, diaries, notes, graphs and any other writing or communication.

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5. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which receive chemicals or chemical wastes, or sold chemical or chemical wastes or to whom chemicals or chemical wastes are or were transferred from the CRS site.

6. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes received by the persons, corporations, associations, municipalities or <sup>other entities</sup> ~~there entities~~ described in request 5 above, between January 1, 1974, and the present.

7. All documents which describe any and all legal or other relationships between ~~the~~ persons, corporations, <sup>and</sup> associations, <sup>which</sup> ~~exist~~ deliver to or receive chemical wastes from the CRS site and the defendants <sup>3</sup> or any current or former officers or agents of defendant CRS, including but not limited to articles of incorporations, partnership or trust agreements, land contracts or deeds, contracts and documents showing common officers, directors, incorporators, employees and/or agents.

8. All documents, including but not limited to licenses, permits, permissions, and approvals of any local, State or Federal agency, which state that the entities to which chemicals or chemical wastes were sold or transferred were or are fit to take the particular chemical or chemical waste received in the quantity and in the container in which it was received.

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9. All documents which describe, state or record events or occasions

where chemicalss< or chemical wastes from the CRS site were rejected, returned or otherwise transferred back to CRS or any other facility owned, operated or controlled by the defendants for whatever reason. Such documents shall include but not be limited to notes, citations, records of telephone conversations, correspondence, memoranda and any other communication or writing.

10. All documents relating to any process employed by defendants between Jana<uary 1, 1974, and the present to treat, handle, dispose of, reprocess or recycle chemicals or chemical wastes at the CRS site.

11. All documents, including but not limited to manuals, handbood<ks, training course literature, brochures, and memoranda, which describe or state procedures for transport, packaging, handling, storage, treatm<ent and disposal of chemicals or chemical wastes on or off the CRS site bw<etween January 1, 1974, and the present.

12. All documents, which state, describe, list or explain the services offered at CRS site for transportatin<on, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brou<chures, correspondence and business cards.

13. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired or paid by any of the defendants between January 1, 1974, and the present.

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14. All documents, including but not limited to all past and current

permits, licenses, certificates, authorizations, and approvals,  
evidencing the right <sup>of</sup> ~~of~~ authority <sup>of</sup> ~~of~~ any of the defendants to:

- (a) Transact business in any form or manner  
other than as a sole proprietorship under  
the names of the defendant;
- (b) Engage in the treatment, transport, storage,  
handling or disposal of chemicals or chemical  
wastes at the ~~site~~ <sup>CRS</sup> site;
- (c) Deliver, transport, collect or dispose of  
industrial chemicals, materials or waste,  
at any generator, transshipment point or  
disposal facility, including but not limited  
to landfill and incinerators.

15. All documents evidencing correspondence, conversations,  
or other contact between any of the defendants and <sup>any</sup> ~~any~~ local,  
State or Federal agency, concerning the handling, transport  
treatment, storage or disposal of chemicals and chemical  
wastes at the CRS site, including but not limited to  
Interstate Commerce Commission and Public Utility Commission  
approvals, and citations for violations of any local, s~~S~~a~~S~~tate  
or Federal law.

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16. All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from <sup>any</sup> ~~any~~ of the defendants, net worth statements, financial statements, annual reports, check registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies of Federal tax forms 1120, 1120S, 1040, 941 and 940 and 940 and 940, which indicate the financial condition of defendants and all current and former officers of defendant CRS., during their tenure as officers.

17. All documents, including but not limited to leases, land contracts, real estate contracts and contracts relating to the leasing, buying, and/or contracting of the land or part of the land and/or buildings at the CRS site.

18. All documents, including but not limited to contracts and cancelled checks, relating to the purchasing of the business, logo, telephone number, equipment and/or customer lists from Obbitts Chemical Company and/or Chemical Recovery Systems.

19. All documents that are part of employees' records, including but not limited to employee applications + payroll records.

20. All permits from the State of Ohio.

21. All documents relating to the purchase and/or use of power, fuel, and/or equipment

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This is to certify that I have this 15th day of April, 1980, deposited  
in the United States mail at Hammond, Indiana, a copy of the attached  
United States' First Set of Requests for Production of Documents, properly  
addressed to:

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U.S. Department of Justice

United States Attorney  
Northern District of Ohio

U.S. Courthouse  
Cleveland, Ohio 44114

March 10, 1981

EXPRESS MAIL

Marian Neudel, Esq.  
U. S. Environmental Protection  
Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: United States v. Chemical Recovery  
Systems, Inc.  
Civil Action No. C80-1858  
Judge Aldrich

Dear Ms. Neudel:

In reference to the above-captioned case, enclosed please  
find Defendant's First Set of Interrogatories to Plaintiff.

Sincerely yours,

JAMES R. WILLIAMS,  
United States Attorney

By Kathleen Ann Sutula /fv  
Kathleen Ann Sutula  
Assistant U. S. Attorney  
FTS/293-4394

Enclosure

KAS/fv

cc: Michael Kosakowski, Esq.  
Paul Schaeffer, Esq.  
Frederick F. Stiehl, Esq.

MURPHY, BURNS & McINERNEY, P. C.

WILLIAM B. MURPHY  
GERALD F. BURNS  
GARY J. McINERNEY  
ROBERT C. TIMMONS  
PETER P. WALSH  
RANDALL L. VELZEN  
KEARY W. SAWYER  
MICHAEL CAMPBELL  
RICHARD A. STEVENS

ATTORNEYS AT LAW  
GRAND RAPIDS, MICHIGAN 49503

SUITE 4000  
CAMPAU SQUARE BUILDING  
180 MONROE, N. W.

AREA CODE 616  
TELEPHONE 458-5005

March 2, 1981

RE: United States of America vs.  
Chemical Recovery Systems, Inc.

Dear Sir:

We are enclosing the following for filing in the above-entitled cause:

( ) Complaint  
( ) Appearance  
( ) Answer  
( ) Demand for Jury Trial  
( ) Counter-Claim  
(XXX) Interrogatories to Plaintiff  
( ) Answers to Interrogatories  
( ) Notice of Taking Deposition  
( ) Notice of Hearing  
( ) Motion for  
( ) Affidavit  
( ) Stipulation  
( ) Order  
( ) Proof of Service  
( ) Praecipe for  
( ) Other

Very Truly Yours,

MURPHY, BURNS & McINERNEY P.C.

BY: Richard Stevens

cc: David C. Long w/enclosures  
Kathleen Ann Sutula w/enclosures

March 5, 1981

Re: United States of America vs. Chemical Recovery Systems, Inc.

Dear Ms. Sutula:

Enclosed herewith please find Interrogatories to Plaintiff which Mr. McInerney's office inadvertently mailed to my office.

Very truly yours,

*David C. Long*  
and

DAVID C. LONG CO., L.P.A.

ATTORNEY AT LAW

300 FOURTH STREET — P. O. BOX 427

ELYRIA, OHIO 44035

PHONE: (216) 323-3331

TO Kathleen Ann Sutula, Esq.  
Assistant U.S. Attorney  
400 U.S. Courthouse  
Cleveland, Ohio 44114

RECEIVED  
MAR 3 2 01 PM '81  
U.S. ATTORNEY  
CLEVELAND, OHIO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant.

Civil Action No. C80-1858

Judge Ann Aldrich

PROOF OF SERVICE

STATE OF MICHIGAN )  
COUNTY OF KENT ) ss.

KIMBERLY D. CULVER being duly sworn, deposes and says that she is a legal secretary in the law firm of Murphy, Burns & McInerney, P.C. and that on Monday, March 2, 1981 she mailed a copy of the attached Defendant's First Set of Interrogatories to Plaintiff to the following:

Clerk  
United States District Court  
Northern District of Ohio  
Eastern Division  
400 U. S. Courthouse  
Cleveland, OH 44144

Kathleen Ann Sutula, Esq.  
Assistant U. S. Attorney  
400 U. S. Courthouse  
P. O. Box 427  
Elyria, OH 44036

David C. Long, Esq.  
300 Fourth Street  
P. O. Box 427  
Elyria, Ohio 44036

by first class mail, postage fully prepaid thereon.

*Kimberly D. Culver*  
Kimberly D. Culver

Subscribed and sworn to before me  
this 2nd day of March, 1981

*Patricia Hammond*  
Notary Public, Kent County, MI  
My Commission Expires: 12/03/84

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant.

---

Civil Action No.: C80-185

Judge Ann Aldrich

DEFENDANT'S FIRST SET  
OF INTERROGATORIES TO  
PLAINTIFF

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS,  
INC.,

Defendant.

---

Civil Action No.: C 80-1858

Judge Ann Aldrich

DEFENDANT'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFF

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Defendant, Chemical Recovery Systems, Inc., demands that the United States of America, the Plaintiff, answer the following Interrogatories, in writing, under oath, within thirty (30) days after service.

DEFINITIONS

A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and all present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of Defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of Defendant whether printed, recorded, reproduced by any process, or written or produced by hand including, but not limited to, letters, reports, contracts, agreements, communications, including inter-intra-agency or intra-inter-office communications, correspondence, telegrams, memoranda, summaries or records of personal conversations, diaries

logs, forecasts, photographs, tape recordings, models, statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any documents, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify", when used in reference to: (1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or

if no title, the subject matter), author, sender, recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral communication, the date, communicator, communicatee, and all persons present. In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act of their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present or having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the

basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. As used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by Plaintiff or Plaintiff's agents or investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of each species in the case of a mixture, if determined or otherwise known), giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the terms "Chemical Recovery Systems facility" "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

I. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

J. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter

of the deletion.

K. This request covers all documents in the possession, control, or custody of the defendant, and the corporations controlling or controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

1. Identify the person(s) answering or assisting in the Preparation of the answers to these interrogatories indicating as to each:

Full name;

Business Address;

Job Affiliation;

Title or position;

Affiliation with Plaintiff, if any;

Employment duties, and the specific answers with which this person has participated.

Toepler  
Acierro  
Johns  
Meyer  
Redmon  
Dawds?  
Bios  
~~Hutchins~~  
Nesbitt  
Sutula  
Schaeffer  
Stiller  
Phelps

Y.J. Kim

2. Identify all employees, agents, or representatives of the Plaintiff (not identified in response to Interrogatory No. 1) who have been involved in the investigation of the CRS site including, but not limited to, any discussions or recommendations relating to the identification, containment or removal of chemical waste indicating as to each:

Name, job affiliation, position, present address, area of expertise, and the period during which time such person has had involvement with the CRS site.

3. In Paragraph number 10 of Plaintiff's Complaint, it is alleged that "At least one of the solvent recovery stills (the Brighten Unit) is obsolete, poorly maintained and poses a substantial risk of fire. The second still (the Rodney Hunt Unit) also poses a risk of fire if operated without needed repairs. The distillation buildings are not provided with ventilation fans."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

*Interview w.  
Fire Marshall;  
inspectors*

4. In Paragraph 11 of Plaintiff's Complaint, it is alleged that "CRS received spent solvents which are transferred for distillation through temporary rubber hosing, connected by radiator clamps. These transfer operations consistently result in contaminated solvents spilling onto the ground."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

*Inspection*

(c) State the source of their information.

5. In Paragraph 13 of Plaintiff's Complaint, it is alleged that "Approximately 3,200 additional 55 gallon drums, partially filled with organic chemical wastes and liquid, sludge and solid forms, are stored on the site. Many of these drums are rusting, deteriorating and leaking their contents onto the ground. Some drums are stacked three high without pallets between them or with pallets in a poor state of repair. The piles are in danger of collapsing. Other drums are stacked precariously near the bank of the Black River. Few of the drums have labels which adequately identify their contents."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged condition

(c) State the source of their information.

6. In Paragraph 14 of Plaintiff's Complaint, it is alleged that "These spent solvents have flash points as low as 34°F and 60°F and are being handled in a careless and reckless manner. The term "flash point" refers to the temperature at which a liquid gives off a vapor sufficient to form an ignitable mixture with the air above the surface of the liquid. Electrical pumps, which are not properly connected, and fork-lift trucks are operated in close

proximity to the stills, creating the danger that fumes and chemicals may be ignited by sparks."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

*Five M.  
Inspection*

7. In Paragraph 15 of Plaintiff's Complaint it is alleged that "There are pools of liquids containing hazardous wastes standing on the site."

*Inspection*

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

8. In Paragraph 16 of Plaintiff's Complaint it is alleged that "A sump, located in the building on the bank of the Black River housing the Brighten unit, is in a poor state of repair. This sump contains substantial quantities of waste chemicals."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

9. In Paragraph 17 of Plaintiff's Complaint it is alleged that "Wastes have leached and are continuing to leach through the soil, contaminate waters in the ground and leach from the bank of the Chemical Recovery site and into the waters of the Black River. There is a leachate stream from the bank into the Black River."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

*Inspected  
Admission?*

*Inspected  
OK PA?*

10. In Paragraph 18 of Plaintiff's Complaint it is alleged that "a collection of chemical wastes with a visible oily sheen is impounded behind a makeshift canvas boom in the Black River adjacent to the site."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

11. In Paragraph 19 of Plaintiff's Complaint it is alleged that "Upon information and belief, wastes are leaching from the CRS site into a storm sewer that runs under the site and discharges into the Black River."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

O.E.P.A.

Superior

Expert?

CRS - letter  
for City Engineer  
& analysis  
data

12. In Paragraph 20 of the Plaintiff's Complaint, it is alleged that "Waste materials spilled from drums, transfer operations and the still operations at the CRS site have contaminated the soil and contaminate waters into which they seep."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

13. In Paragraph 14 of the Plaintiff's Complaint, there is reference to flash points for the spent solvents.

(a) Please identify said solvents as to chemical name and composition (if known).

(b) Please specify how the flash points were determined.

14. Please state all facts on which Plaintiff intends to rely to prove its assertion in Paragraph 7 of the Complaint that "The soil condition at the site is porous, containing considerable sand and gravel and having a low water capacity, so that liquids drain through it rapidly."

USGS repr?

15. Please state for any containers, tanks, drums, or vessels located at the CRS site which are alleged to be damaged, rusting, deteriorating or leaking:

(a) When Plaintiff first discovered that such drums, if any, were damaged, rusting, deteriorating or leaking;

(b) If any such drums are/were rusting, deteriorating, and/or leaking, whether any agent, employee or officer of CRS was notified by Plaintiff that such containers were in such condition.

16. If in answer to sub-part (b) of the preceding Interrogatory it is stated that an agent, officer and/or employee of CRS was notified by Plaintiff that containers were damaged, rusting, deteriorating or leaking:

- (a) Identify any such communications;
- (b) Identify any person or persons employed by CRS who were so notified;
- (c) Identify any person who, on behalf of Plaintiff, so notified CRS;
- (d) Identify any documents relating to such notification.

17. State the factual basis for the assertion that Plaintiff was required to expend in excess of \$25,000 to inspect, sample and analyze soil, air and surface waters to ascertain the nature and extent of the contamination and hazards alleged in the Complaint, including a description of each test done, the costs involved and the results of each test.

18. A. For each chemical and metal stated in Paragraph 21 of the Complaint, please state the following:

- (a) When samples were taken;
- (b) Who took the samples;
- (c) Technique used for taking the samples;
- (d) The method used for storing the samples;
- (e) Who analyzed the samples;
- (f) The method used in analyzing the samples;
- (g) The result of each analysis;

(h) If you will do so without a Motion to Produce, please attach a copy of all reports dealing with the results of such tests.

B. State the extent of all other tests taken by Plaintiff or its agents regarding any other contamination allegedly found on the CRS site and the extent of the contamination allegedly found. Please attach a copy of all such reports.

19. Identify by name, business affiliation, business address, profession or occupation, field or specialty of expertise, all persons or corporations with whom the Plaintiff has consulted with respect to the clean-up, containment, or potential harm connected with the CRS site.

20. Indicate with respect to each person or business entity described in response to the preceding Interrogatory, the dates upon which they were contacted and the purpose of the contact.

21. State with respect to each person or business entity described in response to Interrogatory 19 whether a written report was prepared for Plaintiff, and if so, its dates, title and general contents.

22. If you will do so without a Motion to Produce, please attach a copy of said report.

23. With respect to any person or business entity which has been consulted by the Plaintiff, indicate whether any such person or entity has provided an estimate of the cost of the clean-up, or containment of the CRS site.

24. If the answer to the preceding Interrogatory is in the affirmative, state the cost estimate, the person or business entity who made the cost estimate, the basis of the cost estimate, the date on which the cost estimate was made, and the work which will be covered by the cost estimate.

25. Has the Plaintiff ever conducted or caused to be conducted any investigation of the property adjacent to the CRS site or any other nearby site?

26. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) The nature of the investigation;
- (b) The name and address of the person/firm or other entity investigated;
- (c) The name and address of the person/firm or other entity conducting the investigation;
- (d) The dates of the investigation;
- (e) The manner in which the investigation was conducted;
- (f) The test data resulting from the investigation.

27. Identify and list all legal or administrative proceedings initiated by or at the request of the Plaintiff against Harshaw Chemical Company or any other entity for contamination or other damage to soil, water and air in Elyria.

28. Please attach a copy of all legal or administrative proceedings identified in your response to the preceding Interrogatory.

29. For each expert witness whom the Plaintiff intends to call at trial to testify in this case concerning issues of either liability or damages, state:

- (a) The name of the expert witness;
- (b) His business address;
- (c) His profession or occupation;
- (d) The field or specialty in which he claims expertise.

30. For each expert witness identified in response to the preceding Interrogatory, describe the issues on which you have requested this expert to his express opinion.

31. For each expert described in response to Interrogatory No. 29, describe the nature of any tests, procedures, or examinations which the expert undertook to form the basis of his conclusions or opinions.

32. For each expert described in response to Interrogatory No. 29, describe each conclusion reached or opinion held by that expert which is relevant to the issues of liability or damages in the above matter, and state the basis for such an opinion or conclusion.

33. State the names and present addresses of all other persons who may be witnesses on behalf of the Plaintiff at trial of this case and indicate the subject or subjects on which they will testify.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,  
Plaintiff,

CITY OF HAMILTON,  
Plaintiff- Intervenor,

RANSOFF COMPANY,  
Plaintiff-Intervenor,

v.

CHEM-DYNE CORPORATION, et al.,  
Defendants.

Civil Action No.

C-1-79-703

UNITED STATES' FIRST-SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO WILLIAM KOVACS

Plaintiff, the United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that defendant William Kovacs produce the documents hereinafter described and permit attorneys for the plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at 500 Ford Boulevard in Hamilton, Ohio. Plaintiff further requests that this inspection be permitted by Kovacs immediately after defendants' response to this request has been served, and that their attorneys be permitted to remove from Kovacs' custody such of the documents as they desire to copy, on the understanding that plaintiff's attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiff's expense, and that the documents will be promptly returned immediately after copying has been completed.

This request is intended to cover all documents in possession of Kovacs or subject to his custody and control whether they are located at any premises owned, operated, controlled or frequented by Kovacs or otherwise.

DEFINITIONS

"Documents" mean, without limitation, the following items, whether printed,

recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or written or produced by hand: correspondence; telegrams; memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings or conferences, opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of material including chemicals; photographs or motion pictures or video tapes; charts or graphs, brochures, pamphlets, advertisements or circulars; speeches, press releases or newspaper clippings; contracts, agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebooks, datebooks, calendars or appointment books; plans, drawings, sketches or maps; licenses, permits, permissions to operate from any local, State or Federal agency; manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

The "Chem-Dyne site" means the premises located at and around 500 Ford Boulevard, Hamilton, Ohio, whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals wastes or materials contaminated by chemicals or chemical wastes.

"Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the Chem-Dyne site, the "synthetic fuel" or "Chem-Fuel" produced at the Chem-Dyne site, and sand or other absorbent material which contains chemicals which have been spilled or poured into the material at the Chem-Dyne site and any and all other solid or hazardous wastes as those terms are defined in the Resource Conservation and Recovery Act, 42 U.S.C. §6903.

The documents covered by this request are as follows:

1. Retained copies of all tax returns, whether individual or business, state, local or Federal signed and/or filed by William Kovacs since January 1, 1970, including all schedules and other forms required to be filed with such returns.

2. All checkbooks, check registers, checkstubs, statements, cancelled checks, advices of credit or charges, and other documents relating to any personal or business accounts opened, managed or maintained by William Kovacs, or under his supervision or control, in connection with his own finances or the operation of Chem-Dyne Corporation or any of the other defendants to this action, from January 1, 1970 to the present.

3. All statements of profit and loss, assets and liabilities statements, balance sheets, and its accountant's documents relating to the financial position or condition of any of the defendants at any time from January 1, 1970 to the present.

4. All ledgers, daily journals or books of account maintained by William Kovacs or under his custody or control which relate or reflect the assets and operations of any of the defendants, from January 1, 1970, to the present.

5. Agreements, contracts, notes, mortgages, partnership papers, bonds, sureties, indentures, stock shares and other documents reflecting the name of any person who has contributed cash, capital or assets to initiate, arugment, assist or maintain any of the defendant's business operations or personal finances.

6. All corporate minutes, papers or articles of incorporation or partnership agreements reflecting the names of individual involved in any of the defendants' business operations, and showing the status, and any change thereto, of any of the defendants as business entities.

7. All correspondence with government agencies, whether state, local or Federal, or any employee thereof, from January 1, 1972 to the present.

8. Copies of all advertising materials, including, but not limited to, brochures, literature, advertising copy, business cards and the like, used to

advertise any service offered by William Kovacs or any business entity with which he was involved, from January 1, 1972 to the present.

9. Copies of all correspondence between William Kovacs and any business associates or employees involved with him in any transactions related to the collection treatment, shipment or disposal of waste or recycleable materials, from January 1, 1972 to the present.

10. Copies of all telephone bills for each telephone maintained or paid for by William Kovacs or any business entity named as a defendant in this action, from January 1, 1972 to the present.

11. All documents which identify or relate to any payment made by any other defendant, whether individual or business entity, to defendant William Kovacs for any purpose, including without limitation salaries, loans, gifts or otherwise.

12. Copies of any deed, contract, indenture, inter vivos transfer, trust agreement or other document purporting to transfer, to any interest or title in property of any defendant in this action, from January 1, 1972 to the present.

13. All documents which identify any safe deposit box, brokerage accounts, trading accounts, investment accounts or other places wherein any of the defendants to this action placed or may have placed any funds or assets.

14. All documents which identify or relate to insurance policies purchased by defendants which will or might provide indemnification or reimbursement for any costs, whether associated with cleanup, penalties or other expenses, which defendants might be subject to under this action.

Whereby, any of the defendants as aforesaid, entitled.

15. All correspondence with government agencies, whether state, local or Federal, or any public authority, from January 1, 1972 to the present.

16. Copies of all advertising materials, including, but not limited to, brochures, literature, advertising copy, business cards and the like, used to

CERTIFICATE OF SERVICE

I certify that the attached United States' First Set of Requests For Production of Documents to William Kovacs has been served upon the following by depositing copies addressed to each in the United States Mail, postage prepaid, on August 8, 1980.

Randy Rogers, Esq.  
315 Monument Avenue  
Hamilton, Ohio 45011

William L. Kovacs  
5855 Oak Ridge Drive  
Hamilton, Ohio 45011

Charles G. Atkins, Esq.  
Strauss, Troy and Ruehlman Co. L.P.A.  
2100 Central Trust Center  
Cincinnati, Ohio 45202

Thomas T. Terps, Esq.  
Taft, Stettinius & Hollister  
600 Dixie Terminal Building  
Cincinnati, Ohio 45202

Hugh D. Holbrock, Esq.  
Holbrock & Johnson  
315 S. Monument Avenue  
Hamilton, Ohio 45011

Lester W. Koehler, Esq.  
Director of Law - Room 303  
Municipal Building  
Hamilton, Ohio 45011

Janes T. Farrell  
Dinsmore, Shohl, Coates &  
Deupree  
2100 Fountain Square Plaza  
511 Walnut Street  
Cincinnati, Ohio 45202

*Jonathan T. McPhee (JES)*  
Jonathan T. McPhee, Esq.  
U.S. Environmental Protection Agency  
230 S. Dearborn Street  
Chicago, Illinois 60604

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Chemical Recovery System,

INC. ~~et al.~~

Defendant.

Civil No.

UNITED STATES FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

The Plaintiff, United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendant<sup>s</sup>, Chemical Recovery System, Inc., produce the documents hereinafter described and permit attorneys for the Plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at the Office of the United States Attorney for the Northern District of Ohio, *Room* 400 U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114.

*they have 75 days.*  
Plaintiff further requests that ~~this inspection be permitted by defendants immediately after defendants' response to this request has been filed, and that their attorneys be permitted to remove from defendants' custody such of the documents as they desire to copy, on the understanding that plaintiff's attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiff's expense, and that the documents will be promptly returned immediately after copying has been completed.~~  
*Plaintiff*

1. For each document produced in response to a request for production or an interrogatory, indicate on the document or in some other reasonable manner the numbered request(s) and subpart(s) hereof to which

it responds. Documents created and applicable before January 1, 1974, need not be supplied. Documents created before January 1, 1974, and applicable after that date <sup>are requested</sup> ~~should be supplied~~.

2. If anything is deleted from a document produced in response to the requests for productions, state:

- (a) The reason for the deletion, and
- (b) The subject matter of the deletion.

3. This request covers all documents in the possession, control or custody of the <sup>d</sup>Defendant, its officers, employees, agents, servants, attorneys and assigns.

4. ~~Response shall state, where applicable, whether documents described by any requests or subpart thereof, either are not within defendant's possession, custody or control, and if not, in whose possession, custody or control such documents may be found, or do not exist.~~  
<sup>Whenever documents</sup>  
~~Response shall state, where applicable, whether documents described by any requests or subpart thereof, either are not within defendant's possession, custody or control, and if not, in whose possession, custody or control such documents may be found, or do not exist.~~  
<sup>defendant shall state</sup>

#### DEFINITIONS

The term "Document" <sup>includes but is not limited to</sup>

1. ~~"Documents" means, without limitation, the following items, whether printed, recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or written, or produced or written by hand:~~  
<sup>Following:</sup>  
~~correspondence, telegrams, memoranda, summaries or and records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings or conferences; opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of materials, including chemicals, photographs, or motion pictures, or video tapes; charts or graphs, brochures, pamphlets, advertisements or circulars; speeches, press releases or newspaper clippings;~~  
<sup>and</sup>  
<sup>and</sup>  
<sup>and</sup>  
<sup>including</sup>  
<sup>the</sup>

contracts, agreements <sup>and</sup> other items showing business or employer-employee relationships, lists, diaries, notes, notebooks, datebooks, calendars <sup>and</sup> appointment books, plans, drawings, sketches <sup>or</sup> maps, licenses, permits, permissions to operate from any local, state or federal agency, manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

2. The "CRS site" means the premises located at and around 146 Locust Street, Elyria, Ohio and described in paragraph #1 of plaintiff's Complaint, ~~whether or not owned by defendants, on or over which defendants have transported, stored, processed and/or disposed of chemicals or chemical wastes or materials contaminated by chemicals or chemical wastes.~~

3. "Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the CRS site, paint solvents and paint sludges processed and/or produced at the site, and any and all other solid or hazardous wastes as those terms are defined in the Resource Conservation and Recovery Act, 42 U.S.C. 6903.

~~4~~ "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

*You are requested to produce the following documents:*  
~~The documents covered by this request are as follows:~~

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which <sup>identify the</sup> ~~state what~~ chemicals <sup>and</sup> chemical wastes <sup>which</sup> were transported to the CRS site between January 1, 1974, and the present.

2. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence ~~or and~~ other business records which ~~state~~ <sup>show</sup> the quantity <sup>ites</sup> of chemicals ~~or~~ <sup>and</sup> chemical wastes, in solid and/or liquid form, ~~or the number of drums or drum~~ <sup>which</sup> equivalents that were transported to, stored on and/or processed on the CRS site during ~~any and all~~ <sup>the</sup> periods between January 1, 1974, and the present.

3. All documents, including but not limited to ~~consultants'~~ <sup>to Reports, memoranda and</sup> correspondence ~~or contractor's reports, obtained by or under contract to CRS or any other corporation or person, memoranda of any local, State or Federal agency which state~~ <sup>show</sup> or projects <sup>contamination of soils, and ground waters and the</sup> the existence or nonexistence of soil and/or <sup>Black River</sup> groundwater at, around and under the CRS site which is contaminated by chemicals or chemical wastes <sup>or upon the CRS site and adjacent to it,</sup> ~~or describes the hydrogeological conditions at and under the site.~~

4. All documents <sup>including reports from and correspondence with</sup> ~~including reports from and correspondence with~~ experts concerning the the hydrogeological conditions at the CRS site.

5. All documents which describe state or list the persons, corporations, associations, municipalities ~~or~~ <sup>and</sup> other entities which transport ~~or~~ <sup>and/or</sup> have transported chemicals, or chemical wastes to the CRS site; sell, ~~or~~ have sold or otherwise transferred chemicals or chemical wastes to the defendants for transport to the CRS site; sell or have sold or otherwise transferred chemicals or chemical wastes to third parties for transport to the CRS site. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, <sup>and invoices,</sup> order forms, records of conversations, diaries, notes, ~~graphs~~ and any other writing or communication.

6. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which receive ~~chemicals or chemical wastes, or sold chemical or chemical~~ <sup>chemicals and/or</sup> wastes or to whom chemicals or chemical wastes are or were transferred from the CRS site.

7. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes received by the persons, corporations, associations, municipalities or other entities described in request <sup>6</sup> above, between January 1, 1974, and the present.

8. All documents which describe ~~any and all~~ <sup>the</sup> legal or other relationships between the persons, corporations, and associations, which

*have* deliver to or receive chemical wastes from the CRS site and the defendants, *including* ~~or any current or former officers or agents of defendant CRS.~~ *These documents shall* ~~but not be~~ limited to articles of incorporations, partnership or trust agreements, land contracts, ~~or~~ deeds, contracts and documents showing common officers, directors, incorporators, employees and/or agents.

9. All documents, including but not limited to licenses, permits, permissions, and approvals of any local, State or Federal agency, which state that the entities to which chemicals or chemical wastes were sold or transferred were or are fit to take the particular chemicals or chemical waste <sup>that received</sup> ~~received in the quantity and in the container in which it was~~ received.

10. All documents which describe, state or record events or occasions where chemicals or chemical wastes from the CRS site were rejected, returned or otherwise transferred back to CRS or any other facility owned, operated or controlled by the defendants for whatever reason. Such documents shall include but not be limited to notes, citations, records of telephone conversations, correspondence, memoranda and any other communication or writing.

11. All documents relating to any process employed by defendants between January 1, 1974, and the present to treat, handle, ~~or~~ dispose of, reprocess or recycle chemicals or chemical wastes at the CRS site.

~~12~~ 12. All documents, including but not limited to manuals, handbooks, training course literature, brochures, and memoranda, which describe or state procedures for transport, packaging, handling, storage, treatment and disposal of chemicals or chemical wastes on or off the CRS site between January 1, 1974, and the present.

~~13~~ 13. All documents, which state, describe, list or explain the services offered at CRS site for transportation, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brochures, correspondence and business cards.

~~14~~ 14. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired or paid by ~~any of the~~ defendants between January 1, 1974, and the present.

~~14.15~~ 14.15 All documents, including but not limited to all past and current permits, licenses, certificates, authorizations, and approvals, evidencing the right or authority of any of the defendants to:

- (a) Transact business in any form or manner other than as a sole proprietorship under the name of the defendant;
- (b) Engage in the treatment, transport, storage, handling or disposal of chemicals or chemical wastes at the CRS site;
- (c) Deliver, transport, collect or dispose of industrial chemicals, materials or waste, at any generator, transshipment point or disposal facility, including but not limited to landfill and incinerators.

~~16~~ 16. All documents evidencing correspondence, conversations, or other contact between any of the defendants and any local, State or Federal agency, concerning the handling, transport treatment storage or disposal of chemicals and chemical wastes at the CRS site, including but not limited to Interstate Commerce Commission and Public Utility Commission approvals, and citations for violations of any local, State or Federal law.

17-16 All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from any of the defendants, net worth statements, financial statements, annual reports, check registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies of Federal tax forms 1120, 1120<sup>S</sup>, 1040, 941 and ~~94~~ and 940, which <sup>Relate to the</sup> indicate the financial condition of defendant<sup>s</sup> and all current and former officers of defendant CRS during their tenure as officers.

18-17 All documents, including but not limited to leases, land contracts, real estate contracts and contracts relating to the leasing, buying, and/or contracting of the land or part of the land and/or buildings at the CRS site.

19-18 All documents, including but not limited to contracts, <sup>Correspondence</sup> cancelled checks, <sup>and settlement records to the purchase of</sup> ~~relating to the purchasing of the business, logo, the telephone number, equipment and/or customer lists from Obbitts Chemical Company and/or Chemical Recovery Systems.~~

19. All documents that are part of employees' records, including but not limited to employee applications & payroll records.

20. All permits from the State of Ohio.

21. All documents relating to the purchase and/or use of power, fuel, and/or equipment.

CERTIFICATE OF SERVICE

This is to certify that I have this 15th day of April, 1980, deposited in the United States mail at Cleveland, Ohio, a copy of the attached United States' First Set of Requests for Production of Documents, properly addressed to:

**DAVID C. LONG**

**ATTORNEY AT LAW**

**TELEPHONE:**  
**(216) 323-3331**

**P. O BOX 427**  
**300 FOURTH STREET**  
**ELYRIA, OHIO 44035**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Civil Action No. C 80-1858
	)	
Plaintiff,	)	Judge Ann Aldrich
	)	
v.	)	
	)	
CHEMICAL RECOVERY SYSTEMS, INC.,	)	PLAINTIFF'S FIRST SET OF
	)	INTERROGATORIES AND THIRD REQUEST
Defendant.	)	<u>FOR PRODUCTION OF DOCUMENTS</u>

Pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, the United States of America, the Plaintiff, hereby serves on Chemical Recovery Systems, Inc., the Defendant, (1) written interrogatories to be answered by Chemical Recovery Systems, Inc., and (2) request for production of documents by Chemical Recovery Systems, Inc. Such documents shall be produced for inspection and copying, within thirty days after the service of the request, at the United States Attorney's Office, located in Cleveland, Ohio, or at such other reasonable time and place which both parties have agreed upon. The obligations imposed upon the Defendant by the Federal Rules of Civil Procedure are hereby incorporated by reference, including, but not limited to, the duty to supplement.

Definitions

A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and all present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of defendant, whether printed, recorded, reproduced by any process,

or written or produced by hand including, but not limited to, letters, reports, contracts, agreements, communications, including inter-intra-agency, or intra-interoffice communications, correspondence, telegrams, memoranda, summaries or records of personal conversations, diaries, logs, forecasts, photographs, tape recordings, models, statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any document, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify" when used in reference to:

(1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or if no title, the subject matter), author, sender, recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral communication, the date, communicator, communicatee, and all persons present. In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act and their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present of having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. As used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by defendant or defendant's agents and investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of each species in the case of a mixture, if determined or otherwise known), giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the terms "Chemical Recovery Systems facility" "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. As used herein, "ultimate fate" or "ultimate disposal" shall mean the method or route by which a particular substance or object, including but not limited to material currently located on or brought to the CRS facility (and including any sorbent material which was used to clean up leaks or spills, whether left at or removed from the CRS facility), including but not limited to the leaking of such material onto the ground or into wastewater collection drains and pipes; the collection by defendant or placement into containers such as 55-gallon drums for shipment off site; the dumping by defendant onto exterior soils, whether for final disposition in that way or for incineration; or any other method by which the substance was gathered up and/or prepared for delivery outside the possession, control or custody of defendant, together with the name and address of the operator of each landfill, incinerator or other final disposition site, and the location of such site.

I. Interrogatories asking to "state each fact which is the basis for" an assertion, act, denial, or an affirmative defense in the Answer, seeks disclosure of each fact known to defendant as of the date the interrogatories are answered, including but not limited to, full identification and description

of the source(s) for each such fact, including identification and description of any and all documents relating or referring to such fact; and identification of each person having knowledge of the fact.

J. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

K. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

L. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter of the deletion.

M. This request covers all documents in the possession, control, or custody of the defendant, and the corporations controlling or controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

N. The above definitions shall apply, unless specific exception is made, to all interrogatories by Plaintiff in this matter hereafter.

1. List the names and addresses of all owners, officers and directors of CRS since its date of incorporation.

Chemical Recovery Systems, Inc. of Ohio, an Ohio corporation, is a wholly owned subsidiary of Chemical Recovery Systems, Incorporated, a Michigan corporation.

The Directors of CRS since its date of incorporation are: Pete Shagena, Arthur McWood and Charles Nolton. Their addresses are shown in the response to Question 2.

The Officers of CRS since its date of incorporation are: James Freeman - President - 300 Fourth Street, Elyria, OH 44036

Peter Shagena - Secretary/Treasurer (his address is shown in our response to Question 2);

Dick Johnson was Vice President until 1978 (his last known address was c/o Chemical Industries, 14411 Ellis Street, Detroit, MI 48228; the present Vice President is Joe Heimbuch (his address is shown in our response to Question 2).

2. Have any of the owners, officers or directors of CRS since its Incorporation date, served as owners, officers or directors of any other Corporation or business concern? If so, please list each such Corporation or business concern with whom CRS has a common officer, owner or director, stating the name and address of the Corporation or other concern, and identifying the common owner, officer or director.

Yes.

Peter Shagena, President and Director of Chemical Recovery Systems, Inc. of Michigan, 36345 VanBorn Road, Romulus, Michigan 48174.

Charles Nolton, Director of Chemical Recovery Systems, Inc. of Ohio and President of Nolwood Chemical Corporation, 8970 Hubbell, Detroit, Michigan 48228.

Arthur B. McWood, Director of Chemical Recovery Systems, Inc. of Ohio, and Vice President and Director of Nolwood Chemical Corporation, 8970 Hubbell, Detroit, Michigan 48228.

Joe Heimbuch, Vice President of Chemical Recovery Systems, Inc. of Ohio, and Vice President of Chemical Recovery Systems, Inc. of Michigan, 36345 VanBorn Road, Romulus, Michigan 48174.

Peter Shagena, Officer of M.S. and N. Corp., 8970 Hubbell, Detroit, Michigan.

Arthur B. McWood, President of M.S. and N. Corp., and President of Chemical Distribution Systems, both of 8970 Hubbell, Detroit, Michigan.

3. List the names and addresses of the major stockholders of CRS.

Chemical Recovery Systems, Inc. of Ohio, is a wholly owned subsidiary of Chemical Recovery Systems, Inc. of Michigan. The address is 36345 VanBorn Road, Romulus, Michigan 48174.

4. List the names and addresses of all persons currently involved or who have been involved since January 1, 1974, either as employees at the CRS site or as drivers, haulers, handlers, or salesmen on behalf of Defendant CRS. Specify for each the nature and period of involvement, duties and/or responsibilities and the terms of their compensation.

This information has been previously made available to the Plaintiff through Defendant's response to Plaintiff's First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Chemical Recovery Systems will again make these documents available to Plaintiff for inspection and copying at a mutually convenient time and place.

5. Identify and list all payments and/or disbursements made by Defendant to any person, whether in the form of wages, payments on debts, or payments made in anticipation of/consideration for services.

Much of this information has already been provided to Plaintiff through their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will make the documents available to Plaintiff for inspection and copying at a mutually agreed upon time and place. Furthermore, Plaintiff objects to further responding to the question on the grounds that it is irrelevant and that it is burdensome to Defendant to compile the requested information.

6. Identify all contracts or agreements, whether written or oral, between Defendant and any person, relating to the management, disposal, or transportation of waste on, from, or to the CRS site. Summarize the substance of each oral agreement specifying the dates covered thereby, the persons between whom the oral agreements were reached, the history of performance and the consideration for such agreements.

This information was made available to Plaintiff in response to their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available to Plaintiff for inspection and copying at a mutually agreed upon time and place. It should be noted that three (3) agents of the Plaintiff previously spent two days searching Defendant's files, that all responsive files were made available, and that copies were made for the Plaintiff at Defendant's expense.

There were literally hundreds of oral agreements between Defendant and others relating to the management, disposal, or transportation of waste on, from, or to the CRS site. Defendant is unable to recall these oral agreements, but to the best of our knowledge the invoices previously made available to Plaintiff for inspection are accurate memorandum of these oral agreements.

In addition to the documents previously made available to Plaintiff, contracts have been entered into with the following companies regarding the disposal of waste from the CRS site. They are Enviro-Chem Corporation of Zionsville, Indiana (a copy of the contract is attached hereto as Exhibit "A") and P & K Oil Service, Inc. of Cleveland, Ohio (a copy of the contract is attached hereto as Exhibit "B").

7. Please identify and produce all written contracts and/or agreements identified in your response to the preceding Interrogatory.

Please see response to Question No. 6.

8. State whether CRS ever handled the following chemicals at the Locust Street, Elyria, Ohio location:

- a) Tetrachloroethene No to the best of our knowledge.
- b) toluene Yes.
- c) methyl ethyl Ketone Yes.
- d) xylene Yes.
- e) Hexachloroethane No.
- f) ethyl benzene To the best of our knowledge no.
- g) naphthalene To the best of our knowledge no.
- h) propyl benzene To the best of our knowledge no.
- i) trimethyl benzene To the best of our knowledge no.

9. Has CRS ever handled any chemicals other than those listed in the preceding Interrogatory?

Yes.

10. If the answer to the preceding Interrogatory is in the affirmative, please identify and list all other chemicals handled by CRS.

This information has been previously provided to Plaintiff, but as a courtesy, Defendant will again provide such information. This information is contained in the attached Exhibit "C".

11. Identify and list all chemicals received for reclamation, reprocessing, recycling or disposal by Defendant, since January 1, 1974. Indicate the state in which each chemical was received, solid, liquid or gas; whether each chemical was received pure or contaminated; form of shipment, drums or bulk.

This information was previously made available to Plaintiff in response to request Numbers 1 and 2 of their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available for inspection and copying at a mutually convenient time and place.

The chemicals were all received in a liquid state. All chemicals received were "contaminated". Chemicals were received in both drums and bulk shipments.

12. Indicate the average quantities of each chemical identified in your response to the preceding Interrogatory received per month and per year since January 1, 1974, indicating all sources for each.

This information was made available to Plaintiff in response to request Numbers 2 and 6 in their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available for inspection and copying at a mutually convenient time and place.

13. Indicate average quantities of each chemical identified in your response to the preceding Interrogatories which were sold or resold by Defendant after processing, recycling, or reclamation. Identify all purchasers and repurchasers of each such chemical.

This information was made available to Plaintiff in response to request Number 6 in their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available to Plaintiff for inspection and copying at a mutually convenient time and place.

14. Identify and produce all documents memorializing the transactions referred to in your response to the preceding Interrogatory.

This information was made available to Plaintiff in response to request Number 6 in their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available to Plaintiff for inspection and copying at a mutually convenient time and place.

15. For all chemicals listed in your response to Interrogatory No. 5 which were received in contaminated form, state the typical chemical analysis which would show the most common or likely contaminants.

Please see attached Exhibit "C" and Exhibit "D".

16. Identify and list the names and addresses of all contractors, subcontractors, disposers, recyclers, scavengers or transporters with whom Defendant arranged for the disposal or transportation of all chemicals not purchased or repurchased from Defendant for use.

This information was made available to Plaintiff in response to request Number 6 in their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available to Plaintiff for inspection and copying at a mutually convenient time and place. Contractors not previously identified include those identified in the attached Exhibits "A" and "B".

17. Identify and list for each person and/or firm listed in your response to the preceding Interrogatory the typical chemical analysis showing main constituent and impurities of each substance disposed of or transported by each such person/firm per month and per year since January 1, 1974. For each substance indicate average quantities per person/firm per month and per year.

This information was previously provided in response to request Number 7 in Plaintiffs First Set of Requests for Production of Documents. As a courtesy to Plaintiff, these documents will again be made available for inspection and copying at a mutually convenient time and place. The typical chemical analysis is supplied in the attached Exhibit "C" and Exhibit "D".

18. Identify and list all sites to which the respective wastes and chemicals were sent.

This information was made available to Plaintiff in response to request Number 6 in their First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available for inspection and copying at a mutually convenient time and place.

19. Identify and list the names and addresses of all contractors, subcontractors, and other entities whose services have ever been engaged by Defendant to assist in the management and/or storage of chemicals and/or wastes on the CRS site. Indicate the time and purpose for which their services were retained and the results of their activity.

Defendants object to answering Question 19 on the grounds that it is vague, overbroad and it would be burdensome for Defendant to produce such information.

20. Identify and produce all documents which relate to the information elicited by the preceding Interrogatories including but not limited to, any plans, studies or reports furnished to or by the persons/firms identified in your response to the preceding Interrogatory.

Not applicable.

21. Identify and list all studies of geology, hydrogeology, water and soil contamination, and sewer function or malfunction at or near the site done by or for the Defendant. Indicate the dates of each such study.

Defendant refuses to answer this question because such studies were prepared by the Defendant or its attorneys specifically in response to this litigation. However, if the Defendant determines that such documents are to be introduced at trial, these documents will be made available to the Plaintiff a reasonable time period before trial for Plaintiff's inspection.

22. Indicate the name and address of each person/firm employed/retained by the Defendant for the purpose of conducting the studies and/or tests referred to in the preceding Interrogatory.

Not applicable.

23. State the results of each such study and/or test listed in your response to Interrogatory No. 12.

Assuming that Plaintiff is referring to Question 21 and not Question 12, no response is necessary based on the objection stated in Question 21.

We do not have a February 1, 1981 inventory. However, inventory as of February 25, 1981, is as follows:

1023 drums	-	solid sludge
123 drums	-	chlorinated solvents
83 drums	-	fatty acids
68 drums	-	budene
1499	-	crushed drums

24. Identify and produce all documents relating to the studies and/or tests listed in response to Interrogatory No. 12.

Assuming that Plaintiff is referring to Question 21 and not Question 12, no response is necessary based on the objection stated in Question 21.

25. Identify and list, in chemical composition and quantity all substances as of February 1, 1981 stored at the site. Indicating the amount in drums and the amount in bulk tanks, and whether the substances are awaiting reclamation or is residue from such processing.

26. State whether Defendant has a Spill Prevention Control and Countermeasure Plan as required by 40 C.F.R. §112.3?

No.

27. If the answer to the preceding Interrogatory is in the affirmative, please identify and produce the plan.

Not applicable.

28. If the answer to Interrogatory No. 26 is in the affirmative, describe in detail the manner in which the Plan is being implemented.

Not applicable.

29. Identify and produce all documents, memos, logs, etc., which relate to the implementation of the SPCC Plan.

Not applicable.

30. Has the handling of any of the chemicals listed in response to any of the preceding Interrogatories ever resulted in spillage onto the soil at or adjacent to the CRS site?

Yes.

31. Have any of the chemicals handled by CRS ever been placed or spilled into sumps?

Yes.

32. If the answer to the preceding Interrogatory is in the affirmative, have these sumps ever overflowed?

Yes.

33. Has CRS ever drained the sumps?

Yes.

34. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures used in draining the sumps,

indicating the dates the sumps have been drained since January 1, 1974.

The sumps were drained as needed. This was usually done daily prior to the time the pumps were shut down. The sumps were pumped through overhead piping into a disposal tank.

35. Have these sumps ever leaked chemicals into the ground?

To the best of our knowledge the sumps have never leaked chemicals into the ground. There was some concern on our part regarding the Brighton sump, and as a preventive measure, the sump was sealed with hydraulic concrete.

36. If the answer to the preceding Interrogatory is in the affirmative, identify and list: Not applicable.

a) the names and addresses of all persons having direct and actual knowledge of the leakage;

b) the dates and/or regularity and/or frequency of the leakage;

c) the quantity of each such leakage;

d) the chemical analysis of each such leakage;

e) the procedures taken to prevent such leakages;

f) and the procedures taken to clean up such leakages;

g) and the procedures taken to clean up said discharges.

37. Has CRS ever placed an oil boom on the Black River?

No, but a slick bar was placed in the river at the suggestion of the Ohio EPA.

38. If the answer to the above Interrogatory is in the affirmative, please identify and list.

- a) the date on which the oil boom was first placed on the river;

To the best of our knowledge, the slick bar was first placed on the river on December 1, 1978.

- b) the periods the boom remained on the river;

The slick bar was removed only when ice flow endangered the bar. It was permanently removed in the summer of 1980.

- c) the purpose for which the boom was installed;

The boom was installed at the suggestion of the Ohio EPA because small droplets of oil began to appear from the bottom of the river and the slick bar was to help contain the oil.

- d) the person/agency requiring the boom to be placed on the river;

The slick bar was voluntarily placed on the river upon the suggestion of the Ohio EPA.

- e) and the procedures followed for the maintenance of said boom;

The boom was periodically cleaned using absorbant pads.

39. Has the boom ever been removed by CRS from the river? If yes,

at what times and for what reasons is it removed?

Yes; please see the answer to Question 38(b). Furthermore, the slick bar was permanently removed when there was no longer any visual evidence that there was any future need for the slick bar.

40. If the answer to the preceding Interrogatory is in the affirmative, do the conditions for which the boom was employed still exist when the boom is removed? Explain in detail.

No; please see our answer to Question 39.

41. Has CRS ever been ordered to alter its operations, practices, equipment, or property to prevent or eliminate pollution to the Black River?

No.

42. If the answer to the preceding Interrogatory is anything other than an unqualified no, please identify and state: Not applicable.

a) the person/official/agent/or agency directing such orders;

b) the date(s) on which such directives were given/discussed;

c) the nature of the complaint/orders;

d) the result of the complaints/orders;

e) and CRS' response to said complaints/orders;

43. Has CRS conducted any activity upon the sump in the still building located closest to the river since April 23, 1980? If so, state the dates and the activities conducted.

No.

44. State the procedures followed by CRS to monitor and control leaking drums?

The employees were instructed to visually check the drums and the premises each day. Upon observing a leaking drum, the contents were pumped into a suitable container and the leaking drum was then properly disposed of.

45. Identify and list the names and addresses of the persons/employees/agents responsible for implementing the procedures listed in your response to the preceding Interrogatory.

Robert Spears - 36115 VanBorn Road, Romulus, Michigan 48174

James W. Jackson - 130 Quincy Street, Elyria, Ohio 44035

Forest Hampton, Jr. - 847 Bond Street, Elyria, Ohio 44035

46. State the date on which the procedures listed in response to Interrogatory No. 44 became effective and the name and address of the person/employee/agent who developed said procedures.

The procedures became effective on January 1, 1974, the time the property was acquired by Chemical Recovery Systems. Peter Shagena, 36345 VanBorn Road, Romulus, Michigan 48174, developed the procedures.

47. Identify the procedures used to monitor and control leaking drums prior to the effective date listed in your response to the preceding Interrogatory.

Prior to the date listed in our response to Interrogatory No. 46, the property was owned by Russell and Dorothy Obitts and we have no knowledge of the methods they employed.

48. Have any of the chemicals ever handled by CRS contained any of the following:

a) PCB; To the best of our knowledge no.

b) Chromium; Yes, in minute quantities.

c) Lead Yes.

d) Cadmium; To the best of our knowledge no.

49. Identify and produce all data possessed by CRS to support the responses to the preceding Interrogatory.

None exists.

50. Have any chemicals handled by CRS ever been discharged into the Black River or its tributaries?

Yes.

51. If the answer to the preceding Interrogatory is in the affirmative, please identify and list:

a) the dates of such discharges;

On or about March 29, 1979

b) the chemicals discharged;

Paint wash, MEK, toluene, xylene, pigments and mineral spirits.

c) the person/firm responsible for such discharges;

Ty St. Cyr

d) the names and addresses of all persons having knowledge of said discharges and the source of their knowledge;

Vince Howard, Elyria Fire Department, Elyria, Ohio - He was present at the time of the spill. Ty St. Cyr, his present address is unknown - he was present at the time of the spill. James Freeman, 300 Fourth Street, Elyria, Ohio - the basis of his knowledge was hearsay. The Ohio EPA was notified of the spill. However, the persons within that department who have knowledge of the spill are unknown to us. Robert Spears, 36115 VanBorn Road, Romulus, Michigan 48174 - the source of his knowledge was hearsay. James Jackson, 130 Quincy Street, Elyria, Ohio 44035 - the source of his knowledge was hearsay.

e) the person/agency notified of said discharges;

The Ohio EPA and the Elyria Fire Department were informed of the spill.

f) the procedures taken to prevent said discharges;

The spill was caused by the negligence of an employee, Ty St. Cyr. Mr. St. Cyr allowed the dike to fill. Upon information and belief, he was directed to cut a hole into the dike at the direction of the Elyria Fire Department. This allowed the contents of the dike to spill onto the land and into the river. Mr. St. Cyr was immediately discharged following this incident and the dike was repaired.

52. Describe in detail all spill containment structure which surround or surrounded all actively used storage tanks. Indicate the dates such structures existed.

There are earth and/or concrete dikes around the tank farms. The concrete dikes were present when CRS purchased the property in 1974. The earth dikes were installed by CRS in August, 1978. All tanks were diked prior to use with the exception of one temporary tank which was located outside the tank farm for a short period of time. The exact dates are unknown.

53. Has CRS ever conducted or caused to be conducted any ground water investigation of its site or any other adjacent or nearby site?

No.

54. If the answer to the preceding Interrogatory is in the affirmative, please state: Not applicable.

a) the name and address of the person/firm or other entity conducting the investigation;

b) the dates of the investigation;

c) the manner in which the investigation was conducted;

d) and the test data resulting from the investigation;

55. Has CRS ever cleaned or caused to be cleaned barrels at the Elyria site?

No.

56. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures implemented in the cleaning process and state:

Not applicable.

a) the names and addresses of all persons/employees/agents responsible for implementing the procedures;

b) the dates/frequency of barrel cleaning;

c) and the average quantities of barrels cleaned per month/per year since January 1, 1974;

57. Has CRS ever cleaned or caused to be cleaned the stills located at its Elyria site?

Yes.

58. If the answer to the preceding Interrogatory is in the affirmative, please describe in detail the procedures implemented in cleaning the stills and state:

Please see attached Exhibit "E".

- a) the names and addresses of all persons/employees/agents responsible for implementing the procedures;

Robert Spears, Forest Hampton, and James Jackson. Their addresses were provided in Interrogatory Number 45.

- b) and the dates/frequency of cleaning the stills;

The stills were cleaned as needed on the average of once per week.

59. Identify and list all permits, licenses and authorizations granted to CRS by any state, local or federal government agency, including, but not limited to, any Part A Permit under the Resource Conservation and Recovery Act (RCRA).

These documents were made available to Plaintiff in response to its First Set of Requests for Production of Documents. As a courtesy to Plaintiff, Defendant will again make these documents available for inspection and copying at a mutually convenient time and place.

60. Has CRS always been in compliance with all of the permits referred to in the preceding Interrogatory? Explain in detail the nature of your compliance.

Yes; the requirements stated in the permits were followed by CRS.

61. Identify and list all legal or administrative proceedings initiated by or at the request of CRS against Harshaw Chemical Company or any other entity, for contamination, trespass, or other damage to soil and water on the site.

A Third-Party Complaint was filed against Harshaw Chemical Company to add them as a party to this lawsuit.

62. What is the current net worth of the Company?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

63. What were the gross receipts of the Company for the last three years?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

64. Does the Company own any stocks or bonds? If so, of which entities, how many shares, and their current market value?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

65. Does the Company own or hold title in, wholly or partially, any real property in any state of the United States?

Yes.

66. How much cash on hand does the Company currently have which is not in any savings or banking institution?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

67. How much cash on deposit does the Company have in any saving or bank institution, in a checking, savings, or certificate of deposit account.

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

68. Does the Company have any motor vehicles of any kind titled in its name in any state of the United States?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

69. Does the Company currently have any outstanding loans of any type, from any financial institutions? If yes, what was the date pledged, original loan amount, amount now due and the last payment due date?

Defendant objects to answering this question on the grounds that it is irrelevant to the subject matter of this lawsuit.

70. Identify any facility, site or other place of business or operation acquired or opened by CRS, other than the Locust Street site, since January 1, 1979, and indicate the purpose for such acquisition.

CRS opened a sales office at 300 Fourth Street, Elyria, Ohio.

71. State the names and present addresses of persons who may be witnesses on behalf of the defendant at the trial of this case and indicate the subject or subjects on which they will testify.

This information is unknown to Defendant at this time. It will be provided upon completion of discovery.

72. State the names and present addresses of all witnesses to be offered as expert witnesses in any field of specialization and indicate their fields of specialization.

This information is unknown to Defendant at this time. It will be provided upon completion of discovery.

73. What will be the testimony of each expert witness in regard to the following questions: Not applicable.

- a) What date were you employed?
- b) How long did it take you to complete the assignment?
- c) What is your field of expertise?
- d) What are your qualifications?

e) What other business pursuits or occupations do you follow other than that which you have stated as your field of expertise?

f) Did you submit a written report regarding this site?

g) When did you inspect this site?

h) Were any tests conducted at this site pursuant to your direction?

i) What tests were conducted at this site?

j) Did you rely on any test data in forming your expert opinion?

k) What is your expert opinion relative to your field of expertise regarding this site?

l) Upon what facts did you base your opinion?

m) Have you previously testified as an expert in this field of expertise in any other case?

n) If yes, how many times and for whom did you testify?

o) Have you ever been employed by the government or any other entity in the past five years?

p) Is your fee for this testimony dependent in any way upon the outcome of this case?

74. Has CRS ever been a defendant in any lawsuit or other proceeding for any injury arising from its operations at the Elyria site?

No; however, Chemical Recovery Systems' predecessor in interest was involved in a worker's compensation claim.

75. If the answer to the preceding Interrogatory is in the affirmative, please state:

a) The name of the action;

Ward v Chemical Service Corporation

b) the docket number assigned to the action;

Claim # 70-35568

c) the forum wherein the action is/was pending;

Ohio Industrial Commission

d) the present status of the action;

The case has been settled.

e) a brief statement of the plaintiff's claim;

The suit was filed by the family of Timothy Ward after he died following a work related accident while employed by Chemical Service Corporation.

76. Has CRS ever been a defendant in any lawsuit or other proceeding

arising from its operations at the Elyria site?

No; however, Chemical Recovery Systems' predecessor in interest was involved in a worker's compensation claim.

f) the disposition, if any, of the action;

The case was settled.

Case # 70-35568

a) The name of the action.

Ward v Chemical Service Corporation

b) the docket number assigned to the action;

Claim # 70-35568

c) the forum wherein the action is/was pending;

Ohio Industrial Commission

g) whether defendant CRS was entitled to coverage by any insurance company;

There was no insurance.

h) the terms and limits of any insurance applicable;

i) the name and address of the insurance company providing said coverage.

76. Has CRS ever applied for or obtained any EIL insurance?

No.

There was no insurance.

77. If the answer to the preceding Interrogatory is in the affirmative, please state: Not applicable.

a) The date of application;

b) the date the application was acted upon;

c) the result of said application and, if denied, the reasons for the denial;

d) the terms and conditions of coverage, if granted;

e) the name and address of the company providing EIL insurance

78. Has any person/firm/corporation or other entity within the past 5 years offered to purchase the property located on Locust Street in Elyria, Ohio within the past 5 years?

No.

79. If the answer to the preceding Interrogatory is in the affirmative, please identify and state: Not applicable.

c) The name and present addresses of all persons/firms/corporations or other entities offering to purchase said property;

b) the terms and conditions of said offers;

c) the date of said offers;

d) the terms of any option to purchase granted to the offerors by

CRS;

e) the amount of said offer; and

f) the current status of each said offer.

JAMES R. WILLIAMS  
UNITED STATES ATTORNEY

By Kathleen Ann Sutula  
KATHLEEN A. SUTULA  
ASSISTANT U. S. ATTORNEY  
400 U. S. Courthouse  
Cleveland, Ohio 44114

SERVICE

Service of the foregoing Interrogatories was made by mailing a copy thereof to each of the following via U.S. Mail this 24th day of February, 1981: David C. Long, Esq. 300 Fourth Street, POB 427, Elyria, Ohio 44036 and Gary McInerney, 180 Monroe, N.W. Suite 4000, Grand Rapids, Michigan 49503.

Kathleen Ann Sutula  
Kathleen Ann Sutula  
Assistant U. S. Attorney

VERIFICATION

STATE OF OHIO :  
COUNTY OF CUYAHOGA :

James Freeman, being first duly sworn, deposes and says that (s)he has read the foregoing Answers to Interrogatories and that the Answers are true to (his)(her) best knowledge and belief.

James Freeman

Sworn to before me and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 1981.

Notary Public

Memorandum

From: Marian H. Neudel

To: Files

Date: 6/5/80

Subject: Trip report to Chemical Recovery Systems, Inc., in Romulus, Michigan

On June 4, 1980, I met with Joe Heimbuch and Don Shagena, from CRS, at their corporate headquarters in Michigan, and we spent several hours conferring about the problems cited in our show cause letter, and the relief prayed for in our draft preliminary injunction (without ever referring to it as such.)

1) They claim that their records can now be used easily as a source for an inventory of all waste and solvents on their property, except the materials they acquired from Obitts when they purchased the property in 1974. They will sample and inventory that material as well.

2) They are willing to label all drums in accordance with OSHA and DOT regulations, and to use removable labels on the bulk tanks, the contents of which change frequently.

3) They are trying to set up a system by which they receive as few drums of reclaimable solvents as possible, and dispose of the drums, and sludges therein, to a contractor as soon as possible afterward. They want to get to an all-bulk system, using no drums at all, and leaving the sludge for the generators to deal with. However, they state that, even if they stop taking in any solvents for reclamation immediately, they will still have about three months' work of inventory to process before they can shut down operations entirely. (From our point of view, presumably, the issue is whether more environmental danger is posed by the reclaimable solvent inventory or by the continued operation of the stills and continued accumulation of resultant sludge.)

4) They acknowledge shortcomings in their "Housekeeping", and profess willingness to straighten up. I asked about the rusted and corroded drums that had been noted in our December inspection and had apparently vanished by February--no one knew offhand what had become of them, but they will make inquiries and let me know.

5) We need to arrive at some kind of mutually precise terminology--they state that 70-85% of the drums on their property are "recoverable", and that the resultant "non-recoverable" sludge "bottoms" are disposed of by contractors as soon as generated. (But they also indicated, at another point, that paint sludge is very hard to get rid of because it gives off particulates when burned, and that most many contractors will take it.) They claim to have halved their drum inventory since 1974 (when they acquired the property, with about 5,000 drums already there.) Ohio EPA has been unable to suggest disposal sites when asked.

6) They are interested in recycling the sludges, e.t. for paint pigments, but have not yet figured out how.

7) They claim the Rodney Hunt distiller already has emission control equipment (a chiller or condenser)--we may need more precise sampling on this. They are

receptive to the idea of shutting down the Bröghten distiller (N.B. on 6/5, Heim buck called to inform me that they decided at a corporate meeting last night to shut it down, effective this week. They will confirm this in writing.)

8) The Elyria plant employs 13-15 people.

9) They claim it is completely fenced except on the river side, where the steepness of the bank makes access impossible.

10) In the first week in April, they submitted plans to the city of Elyria for diking etc. of the storage tanks. The city has not yet replied.

11) They have a number of complaints about our inspection procedures. We evidently did not split samples with them or give them receipts or information as to the source of any given sample. The pump motors about which our show-cause letter expresses concern are ~~explosion-proof~~ they claim (they will send me specs.)

12) They feel the city government simply wants them out of Elyria, possibly because Harshaw Chemical (which has been expanding in other directions) wants the property and is putting some kind of pressure on the city. They feel the oil slick on the Black River may originate with Harshaw--it would tell us more about where it comes from to know what it is.

13) They gave me copies of the Rodney Hunt distiller specs and the inventory form they have been using at their Michigan plant (to see whether it will satisfy our requirements)

14) They are concerned that reaching an agreement with US EPA might not get the city or the state off their backs, and want to know what we can do to help accomplish this (I told him I wasn't sure, but would try to find out.)

15) They will send me a proposal for cleanup, with dates, within the next two weeks, as possible basis for a consent decree.

Conclusions: ) better air samples? better documentation of the samples we have?  
new sampling for splits?

2) 308 to Harshaw?

3) can we get the Ohio EPA and Elyria in on a consent decree?

## REGIONAL COUNSEL ROUTE SLIP

DATE: 12/20

TO	FROM	TO	FROM
<del>SCHAFER, ROBERT D.</del>		<del>Uhlir, David</del>	
Klebenow, Cheryl		Langer, Mary	
Epps, Vyvyan			
Andersen, Robert		Magel, Barbara	
Attermeyer, Dorothy		Maxwell, Elizabeth	
Benedict, Craig		McPhee, Jonathan	
Berman, Michael		Neuberger, Babette	
Bloom, Eileen		Neudel, Marian	
Daggett, Tom		Patti, Sebastian	
Dunham, Eric		Rekar, Pamela	
Elam, Michael		Rosemarin, Carey	
Fox, Catherine		Schulteis, Jane	
Frey, Bert		Sims, David	
Fruhm, Jerrold		Small-Moran, Gloria	
Gade, Mary		Smith, Arthur	
Garher, Deborah		Smith, Michael	
<del>Grimes, Roger</del>		Strubbe, Charles	
Gross, Louise		Swofford, Anne	
Kelly, Peter		Suchman, Gail	
Kyle, Lawrence		Talbert, Pierre	
Leininger, Robert		Taliaferro, David	
		Walker, Michael	

COMMENTS:

1/2 by 1/2  
 L. B. S. R. J.



SDR:PJS  
90-7-1-47

Washington, D.C. 20530

December 15, 1982

Robert B. Schaefer, Esquire  
Regional Counsel  
United States Environmental  
Protection Agency  
Region III, 16th Floor  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Mr. Schaefer:

Re: U.S. v. Chemical Recovery Systems, Inc.

Enclosed is a proposed settlement offer submitted by the principal defendant (CRS) in this case. The complaint, alleging violations of Sections 7003 of RCRA and 301(a) of CWA, was filed on October 7, 1980. There were two principal areas of concern at the time the complaint was filed. The first was the threat of fire and explosion posed by the presence of some 4000 drums of waste chemicals on the site and certain defective distillation units. The second was a leachate stream containing PCBs which was running down the bank and entering the Black River. A boom in the river isolated some contaminants including PCBs and organic chemicals.

The site is located on a filled area on a peninsula-like body of land bounded on three sides by the Black River. There is some organic chemical contamination of the shallow underlying aquifer and a city storm sewer which runs under the property appears to provide a pathway for some chemicals which are entering the Black River. (More precise descriptions of the identities, natures and concentrations of chemicals in the groundwater and the Black River can be provided by Leon Acierto or Mike Kosakowski).

Since the filing of the complaint, CRS has removed all drummed wastes as well as the stills and buildings and has removed a sump which was the source of the leachate stream containing the PCBs. The boom in the river is also gone and

there are no measurable levels of PCBs in the river. Accordingly, the major objectives of the complaint have been achieved. On the other hand, the aquifer remains contaminated and chemicals are still entering the river at the storm sewer outfall.

It should be noted that the aquifer is not now and is unlikely ever to be a drinking water source. It may or may not purge itself over time into the Black River. The river is not a drinking water source either and ambient levels of chemical contaminants would pose no environmental hazard. The company does not have the resources to pump and filter the groundwater.

CRS refuses to attempt remedial measures concerning the storm sewer. It claims that a recent photographic study of the sewer by the city shows the sewer to be intact. Whether contaminants are actually entering the sewer line or moving parallel to it is unclear. The photographic study would not resolve this and it is probably unimportant. CRS claims that it could not afford to excavate and undertake any remedies and that the sewer belongs to the city in any event. It will bring the city into the suit if we insist on remedies to the storm sewer.

According to the attached proposal, CRS will excavate a "two foot by one foot" perimeter around the foundation of the Brighten still foundation and will grade, slope and seed the entire site. Kathy Sutula believes, and I agree, that this is not their bottom line offer. They would probably, for example, excavate other visible hot spots and they may have some flexibility on the piezometer wells if EPA really believes them to be necessary. We might alternatively propose to them some river monitoring.

Their proposal to slope and seed the site may be more environmentally desirable than a clay cap. Some infiltration from rain and snow melt might help to purge the aquifer. The discharge at the storm sewer outfall is a technical violation of CWA in that there is no NPDES permit; although it is, perhaps, debatable whether CRS, or the City of Elyria might be the appropriate permittee. In any event, this discharge is not "an imminent and substantial endangerment" and may be alleviated to some extent by the sloping and seeding. Standing by itself, it should not be allowed to prolong this lawsuit which has been on file for more than two years.

Please advise us as to Region's position on CRS' offer, any counter proposals and Region's position generally as to its preferences with respect to the provisions of any consent decree.

Sincerely,

Assistant Attorney General  
Land and Natural Resources Division

By: *Paul J. Schaeffer*

Paul J. Schaeffer  
Environmental Enforcement Section

Enclosure

cc: Bill Konstantelos  
Leon Acierto  
Marion Neudel  
Michael Kosakowski  
Fred Stiehl  
Kathy Sutula

SDR:PJS  
90-7-1-47

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Assistant Attorney General  
Land and Natural Resources Division

By:

Paul J. Schaeffer  
Environmental Enforcement Section

Enclosure

cc: Bill Konstantelos  
Leon Acierto  
Marion Neudel  
Michael Kosakowski  
Fred Stiehl  
Kathy Sutula

DAVID C. LONG CO., L.P.A.

ATTORNEY AT LAW

P. O. BOX 427

EXECUTIVE BUILDING - 300 FOURTH STREET

ELYRIA, OHIO 44036

TELEPHONE

323-3331

AREA CODE 216

September 21, 1982

Kathleen Ann Sutula, Esq.  
Assistant U. S. Attorney  
United States Department of Justice  
1404 E. Ninth St.  
Suite 500  
Cleveland, Ohio 44004

Re: United States of America vs.  
Chemical Recovery Systems, Inc., et al.

Dear Ms. Sutula:

Please accept my apologies for taking so long in responding to you since our discussion; a number of unforeseen delays occurred.

By way of settlement, Chemical Recovery Systems proposes the following:

- Visual inspection of site by EPA & CRS Tech. Personnel for debris contained*
- (1) CRS is willing to grade the entire site sloping same gently toward the river and seed the surface with grass in conformance with the attached suggestions by KECK Consulting Services, Inc. *Said, to be tracked*
  - (2) In the area of the "Brighton Still" CRS will remove the top foot of soil around the perimeter of the building foundation to a distance of two feet from the foundation, dispose of the removed soil in an approved waste disposal site and either grade or backfill the area to conform with the terrain.
  - (3) CRS will not agree to sealing the existing sewer drain pipe on the premises due to the fact that the interior of same has been photographed by the City and appears to be sound. With the permission of the City of Elyria, these photographs will be produced. I have placed the City of Elyria on notice, by way of a letter to the City Solicitor, that if the matter of the sewer becomes an issue then I will have no choice but to join the City as a Party Defendant.

*River monitoring SF SF (2 Yrs) - 3 samples each time - EPA protocols*

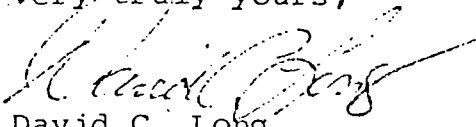
Kathleen Ann Sutula, Esq.  
United States of America vs.  
Chemical Recovery Systems, Inc., et al.  
September 21, 1982  
Page 2

- (4) CRS will not drill and monitor "Piezometer holes" on the property as requested by the EPA. Upon reviewing this request with its consulting engineering firm, using the limited information available, CRS is informed that, depending upon the objectives to be accomplished, either the borings already made by the EPA on the premises will be sufficient, or "Piezometer holes" off the premises would be required, which of course CRS cannot agree to. Perhaps some further clarification is necessary.

After you have discussed this proposal with EPA, please let me know whether or not you think settlement is possible.

Thanking you for your ongoing cooperation and consideration,  
I am

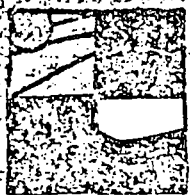
Very truly yours,



David C. Long

DCL:cas

cc: Mr. James C. Freeman  
Mr. Peter Shagena  
Mr. Joseph Heimbuch  
Gary McInerney, Esq.  
Richard Stevens, Esq.



**KECK** consulting  
services, inc.

1099 W. GRAND RIVER • WILLIAMSTON, MI 48895 • (517) 655-4391

July 23, 1982

Mr. Peter Shagena  
Chemical Recovery Systems, Inc.  
36345 Van Born Road  
Romulus, Michigan 48174

Dear Pete:

Enclosed is the write-up you requested regarding the vegetative cover at your Ohio site. I hope it meets your requirements.

Let us know if we can be of further assistance.

Very truly yours,

KECK CONSULTING SERVICES, INC.

*Joe*

Joseph W. Sheahan  
Hydrogeologist/Project Manager

JWS/dpg  
Encl.

## Chemical Recovery

### RECYCLING

The final covering of ~~waste disposal~~ areas is frequently accomplished by grading and seeding. These measures are taken to minimize soil erosion, promote effective removal of precipitation and encourage rejuvenation of the area to a natural and aesthetically appealing state.

The selection of a proper plant cover must take into account all of these requirements. It must first possess resistance to the environmental characteristics of the area and be able to survive on the available precipitation without supplemental water application. Secondly it must possess an extensive yet shallow root structure that will bind together the soil and reduce infiltration without penetrating the ~~waste disposal~~ area. As a final requirement, it must be easily maintained and be aesthetically compatible with the surrounding landscape and environment.

Several common grasses will fulfill these requirements in most areas. Commonly fescue grasses (genus Festuca) provide a suitable cover. The variety selected might also take into account the height that is desired upon full growth. Also suitable might be one of the several bluegrasses (genus Poa) including the well known Kentucky bluegrass (Poa pratensis). Any of the numerous brome grasses (genus Bromus) could prove satisfactory.

Final selection of a suitable cover can best be accomplished by a horticulturist familiar with the precipitation and soil characteristics of the site following construction of the cap.

8 FEB 1980

Inspection of Chemical Recovery Systems, Inc.  
Elyria, Ohio

Leon F. Acierto  
Engineering Unit II

File

On February 5, 1980, I and other U.S. EPA personnel (Frank Biros, Task Force, HQ., Gene Meyer, AHMD, Dan Watson, S&A and Melanie Toepfer, Air Branch) inspected the subject facility. We also spoke with the president of the company, Mr. James Freeman. He was very cooperative in responding to our questions. The following are observations I made and other highlights:

1. Mr. Freeman indicated that the most commonly handled chemicals at this plant include MEK, trichloroethylene, methylene chloride, toluene, etc. These belong to the family of ketones and chlorinated hydrocarbons.
2. Sludge generated by the recovery process is about 10,000 gals a week. Freeman indicated he has a problem finding a suitable facility other than Robert Ross, to accept the waste. Consequently, a high inventory of sludge in the plant is occupying a lot of space and getting to be a problem for him.
3. Plant uses Rodney and Brighten distilling units. One of the units is housed in a building very close to the Black River. This unit is in poor condition and appeared ready to disintegrate.
4. Chemical smell was very noticeable at the site specially close to where the distillation units are. This is definitely a hazard to both health and the environment.
5. Mr. Freeman estimated there are about 3,200 chemical drums in the area. Some of the drums were observed to be leaking, and damaged or rusty. He also indicated that Harshaw is interested in this property. He is just waiting for the right offer from Harshaw.
6. Leachate coming from the property was visible.
7. The site appeared very congested, full of chemical drums stacked all over the place, very poor housekeeping and an apparent lack of proper labeling of most of the drums. Mr. Freeman's assistant, Bob Spears acknowledged that the labels on most of the drums do not indicate their actual contents.
8. The plant, in a 3 acre land, is situated in a congested industrial area with apartment complexes not too far from the site.

9. It was indicated to us that the company plans to reduce drum inventory to bare minimum and to concentrate more on bulk handling, i.e., tank farms and tank trucks will be used more.

Additional samples were collected. These will be tested primarily for flash point data.

cc: Miner  
~~Grimes/Schulteis/Phelus~~  
Acierto

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: February 6, 1980

SUBJECT: Site Inspection - Chemical Recovery, February 5, 1980  
Elyria, Ohio

FROM: Eugene Meyer, Ph.D., Chemist

TO: Jay Goldstein, Chief  
Hazardous Waste Management Section

Leon Acierto, Melannie Stopfer, and I joined Frank Biros of the National Task Force to assess the environmental hazards at this site. We met Jim Freeman, the general owner and operator of this facility, who indicated that distillation of solvents is the primary operation of his business. The site is approximately 3 acres in size and contains 3 major buildings (one warehouse and two buildings containing stills). The property is adjacent to the Black River. Outside of the building are stored about 3,000 drums, 800 of which purportedly contain flammable spent solvents and the remainder either empty or partially filled with still bottoms or sludge. Mr. Freeman indicated that this was a very small inventory, and that this is the slow season. He indicated that the inventory is generally much larger in total volume. The drums on site were stored relatively neatly in groups of 50 to 200 drums per group. Each group was accessible by means of a driveway. There was no indication of incompatible chemical storage, and only two leaking drums were detected. About 200 drums of isopropyl alcohol are being stored in close proximity to the river bank. Other drums containing dried paint sludge are also close to the river bank. Some of these are so close that they could easily fall into the river. The drums on site are generally stored directly on the soil only two or three high. The drums contain such flammable liquids as aliphatic and aromatic hydrocarbons, esters, ketones, (including chlorinated hydrocarbons), alcohols, and silanes. Specific examples are Xylene, and methyl ethyl ketone. It is my professional opinion that the drums are being stored in compliance with the NFPA "Flammable and Combustible Liquids Code."

On the other hand poor environmental practices are apparent in both buildings where stills are housed. The still near the river can only be described as a primitive operation. Chemical residue was observable on the concrete floors in both buildings and the odor of methyl ethyl ketone was particularly obvious in and outside the building where this solvent was being distilled. The flammable range of this material is between 1.8 and 11.5%; its flash point is 22° F. Exposed to an ignition source, MEK can readily ignite under these conditions.

It is also possible to observe a chemical waste material oozing from the river bank into the river. Since the river was frozen, the chemical waste lays as a brownish oil on top of the ice. Absorbent pads were being used to soak up the residue.

It was impossible to access potential damage to the soil, since it was covered by snow. Several samples were taken to access potential soil contamination.

It is my opinion that there are four corrections which must be made at this site:

- 1) The chemical waste oozing into the river must be stopped;
- 2) The concentration of organic vapor from the stills must be reduced to acceptable levels;
- 3) An environmentally acceptable plan must be adopted to account for spillage of solvents.
- 4) The sludge material in drums near the river bank should be removed, preferably off-site.

4-7.4 Materials with a water reactivity degree of 2 or higher as outlined in *Standard System for the Identification of the Fire Hazards of Materials*, NFPA 704, shall not be stored in the same area with other liquids.

#### 4-8 Outdoor Storage.

4-8.1 Outdoor storage of liquids in containers and portable tanks shall be in accordance with Table 4-4, as qualified by 4-8.1.1 through 4-8.1.4 and 4-8.2, 4-8.3, and 4-8.4.

4-8.1.1 When two or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the two or more separate gallonages.

4-8.1.2 No container or portable tank in a pile shall be more than 200 feet from a 12-foot wide access way to permit approach of fire control apparatus.

4-8.1.3 The distances listed in Table 4-4 apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

4-8.1.4 When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but to not less than 3 feet.

4-8.2 A maximum of 1,100 gallons of liquids in closed containers and portable tanks may be stored adjacent to a building located on the same premises and under the same management provided that:

(a) The building is limited to a one-story building of fire-resistive or noncombustible construction and is devoted principally to the storage and handling of liquids, or

(b) The building has an exterior wall with a fire resistance rating of not less than 2 hours and having no opening to above grade areas within 10 feet horizontally of such storage and no openings to below grade areas within 50 feet horizontally of such storage.

4-8.2.1 The quantity of liquids stored adjacent to a building protected in accordance with 4-8.2(b) may exceed that permitted in 4-8.2, provided the maximum quantity per pile does not exceed 1,100 gallons and each pile is separated by a 10-foot minimum clear space along the common wall.

4-8.2.2 Where the quantity stored exceeds the 1,100 gallons permitted adjacent to the building given in 4-8.2(a), or the provisions of 4-8.2(b) cannot be met, a minimum distance in accordance

with column 4 of Table 4-4 shall be maintained between buildings and nearest container or portable tank.

4-8.3 The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

4-8.4 Storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible materials not necessary to the storage.

4-6.5 In-rack sprinklers shall be installed in accordance with the provisions of *Rack Storage of Materials*, NFPA 231C, except as modified by 4-6.2. Alternate lines of in-rack sprinklers shall be staggered. Multiple levels of in-rack sprinkler heads shall be provided with water shields unless otherwise separated by horizontal barriers, or unless the sprinkler heads are listed for such installations.

#### 4-7 Fire Control.

4-7.1 Suitable fire extinguishers or preconnected hose lines, either 1½ inch lined or 1 inch hard rubber, shall be provided where liquids are stored. Where 1½-inch fire hose is used, it shall be installed in accordance with NFPA 14.

4-7.1.1 At least one portable fire extinguisher having a rating of not less than 10-B shall be located outside of, but not more than 10 feet from, the door opening into any separate inside storage area.

4-7.1.2 At least one portable fire extinguisher having a rating of not less than 10-B shall be located not less than 10 feet, nor more than 50 feet, from any Class I or Class II liquid storage area located outside of a separate inside storage area.

4-7.1.3 In protected general purpose and liquid warehouses, hand hose lines shall be provided in sufficient number to reach all liquid storage areas.

4-7.1.4 The water supply shall be sufficient to meet the specified fire protection demand, including at least 500 gallons per minute for inside and outside hose lines. (See D-1.6.2.)

4-7.2 Control of Ignition Sources. Precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

4-7.3 Dispensing of Class I and Class II liquids in general purpose or liquid warehouses shall not be permitted unless the dispensing area is suitably cut off from other ordinary combustible or liquid storage areas, as specified in 4-4, and otherwise conforms with the applicable provisions of 4-4.

Table 4-4 Outdoor Liquid Storage in Containers and Portable Tanks

Class	Container Storage-Max. per Pile	Portable Tank Storage Max. per Pile Gallons (1)	Distance Between Piles or Tanks (ft)		Distance to Property Line That Can Be Built Upon (ft)(2)(3)	Distance to Street, Alley, or a Public Way (ft) (3)
			Gallons (1) (4)	Height (ft)		
IA	1,100	2,200	7	5	50	10
IB	2,200	4,400	14	5	50	10
IC	4,400	8,800	14	5	50	10
II	8,800	17,600	14	5	25	5
III	22,000	44,000	14	5	10	5

Notes: (1) See 4-8.1.1 regarding mixed class storage.

(2) See 4-8.1.3 regarding protection for exposures.

(3) See 4-8.1.4 for smaller pile sizes.

(4) For storage in racks, the quantity limits per pile do not apply, but the rack arrangement shall be limited to a maximum of 50 feet in length and two rows or 9 feet in depth.

<b>RECORD OF COMMUNICATION</b>		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) _____	
		(Record of item checked above)	
<b>TO:</b> Barbara Magel	<b>FROM:</b> Vincent Howard - Elyria Fire Inspector	<b>DATE</b> 2/1/80	<b>TIME</b> 9:00
<b>SUBJECT</b> Possible Criminal Action Against Chemical Recovery System -			
<b>SUMMARY OF COMMUNICATION:</b> <p>             Asked him about the dike breathing incident connected with the March, 1979 chemical spill - he told me that they had had a period of heavy rains and water had run off into the CRS plant. The employees had opened the drain hole in the back of the plant to let the place drain. Meanwhile, the water had gotten into the sludge pit within the plant and so as the water ran out of the plant it took sludge with it. This outflow went into a dike area. The Fire Inspector spoke with a CRS employee - Ty St. Cere who told him that he had made a notch in the earthen dike to allow it to drain because he had instructions from his boss not to let liquid stand or fill up that diked area. That liquid ran off into the river.           </p> <p>             Inspector Howard also told me about the Ohio EPA ordered boom not being in place in the river - it was up on the bank. The employee he spoke with said they had pulled it up because they were afraid they'd lose it in the melting ice flow.           </p>			
<b>CONCLUSIONS, ACTION TAKEN OR REQUIRED</b> <p>             Going to contact Mr. St. Cere sometime after Feb. 5 inspection - waiting so as not to get company nervous.           </p> <p>             Mr. Howard is sending me a copy of his report on the incident.           </p>			
<b>INFORMATION COPIES</b> <b>TO:</b>			



SDR:PJS  
90-7-1-47

Washington, D.C. 20530

December 15, 1982

Robert B. Schaefer, Esquire  
Regional Counsel  
United States Environmental  
Protection Agency  
Region III, 16th Floor  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Mr. Schaefer:

Re: U.S. v. Chemical Recovery Systems, Inc.

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It should be noted that the aquifer is not now and is unlikely ever to be a drinking water source. It may or may not purge itself over time into the Black River. The river is not a drinking water source either and ambient levels of chemical contaminants would pose no environmental hazard. The company does not have the resources to pump and filter the groundwater.

CRS refuses to attempt remedial measures concerning the storm sewer. It claims that a recent photographic study of the sewer by the city shows the sewer to be intact. Whether contaminants are actually entering the sewer line or moving parallel to it is unclear. The photographic study would not resolve this and it is probably unimportant. CRS claims that it could not afford to excavate and undertake any remedies and that the sewer belongs to the city in any event. It will bring the city into the suit if we insist on remedies to the storm sewer.

According to the attached proposal, CRS will excavate a "two foot by one foot" perimeter around the foundation of the Brighten still foundation and will grade, slope and seed the entire site. Kathy Sutula believes, and I agree, that this is not their bottom line offer. They would probably, for example, excavate other visible hot spots and they may have some flexibility on the piezometer wells if EPA really believes them to be necessary. We might alternatively propose to them some river monitoring.

Their proposal to slope and seed the site may be more environmentally desirable than a clay cap. Some infiltration from rain and snow melt might help to purge the aquifer. The discharge at the storm sewer outfall is a technical violation of CWA in that there is no NPDES permit; although it is, perhaps, debatable whether CRS, or the City of Elyria might be the appropriate permittee. In any event, this discharge is not "an imminent and substantial endangerment" and may be alleviated to some extent by the sloping and seeding. Standing by itself, it should not be allowed to prolong this lawsuit which has been on file for more than two years.

Please advise us as to Region's position on CRS' offer, any counter proposals and Region's position generally as to its preferences with respect to the provisions of any consent decree.

Sincerely,

Assistant Attorney General  
Land and Natural Resources Division

By:

Paul J. Schaeffer  
Environmental Enforcement Section

Enclosure

cc: Bill Konstantelos  
Leon Acierto  
Marion Neudel ✓  
Michael Kosakowski  
Fred Stiehl  
Kathy Sutula

DAVID C. LONG CO., L.P.A.

ATTORNEY AT LAW

P. O. BOX 427

EXECUTIVE BUILDING - 300 FOURTH STREET

ELYRIA, OHIO 44036

TELEPHONE

323-3331

AREA CODE 216

September 21, 1982

Kathleen Ann Sutula, Esq.  
Assistant U. S. Attorney  
United States Department of Justice  
1404 E. Ninth St.  
Suite 500  
Cleveland, Ohio 44004

Re: United States of America vs.  
Chemical Recovery Systems, Inc., et al.

Dear Ms. Sutula:

Please accept my apologies for taking so long in responding to you since our discussion; a number of unforeseen delays occurred.

By way of settlement, Chemical Recovery Systems proposes the following:

- (1) CRS is willing to grade the entire site sloping same gently toward the river and seed the surface with grass in conformance with the attached suggestions by KECK Consulting Services, Inc.
- (2) In the area of the "Brighton Still" CRS will remove the top foot of soil around the perimeter of the building foundation to a distance of two feet from the foundation, dispose of the removed soil in an approved waste disposal site and either grade or backfill the area to conform with the terrain.
- (3) CRS will not agree to sealing the existing sewer drain pipe on the premises due to the fact that the interior of same has been photographed by the City and appears to be sound. With the permission of the City of Elyria, these photographs will be produced. I have placed the City of Elyria on notice, by way of a letter to the City Solicitor, that if the matter of the sewer becomes an issue then I will have no choice but to join the City as a Party Defendant.

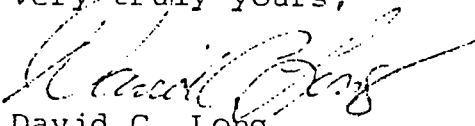
Kathleen Ann Sutula, Esq.  
United States of America vs.  
Chemical Recovery Systems, Inc., et al.  
September 21, 1982  
Page 2

- (4) CRS will not drill and monitor "Piezometer holes" on the property as requested by the EPA. Upon reviewing this request with its consulting engineering firm, using the limited information available, CRS is informed that, depending upon the objectives to be accomplished, either the borings already made by the EPA on the premises will be sufficient, or "Piezometer holes" off the premises would be required, which of course CRS cannot agree to. Perhaps some further clarification is necessary.

After you have discussed this proposal with EPA, please let me know whether or not you think settlement is possible.

Thanking you for your ongoing cooperation and consideration,  
I am

Very truly yours,



David C. Long

DCL:cas

cc: Mr. James C. Freeman  
Mr. Peter Shagena  
Mr. Joseph Heimbuch  
Gary McInerney, Esq.  
Richard Stevens, Esq.



**KECK** consulting  
services, inc.

1099 W. GRAND RIVER • WILLIAMSTON, MI 48895 • (517) 655-4391

July 23, 1982

Mr. Peter Shagena  
Chemical Recovery Systems, Inc.  
36345 Van Born Road  
Romulus, Michigan 48174

Dear Pete:

Enclosed is the write-up you requested regarding the vegetative cover at your Ohio site. I hope it meets your requirements.

Let us know if we can be of further assistance.

Very truly yours,

KECK CONSULTING SERVICES, INC.

Joseph W. Sheahan  
Hydrogeologist/Project Manager

JWS/dpg  
Encl.

## Chemical Recovery

### RECYCLING

The final covering of ~~waste disposal~~ areas is frequently accomplished by grading and seeding. These measures are taken to minimize soil erosion, promote effective removal of precipitation and encourage rejuvenation of the area to a natural and aesthetically appealing state.

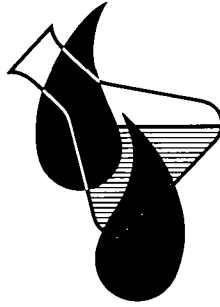
The selection of a proper plant cover must take into account all of these requirements. It must first possess resistance to the environmental characteristics of the area and be able to survive on the available precipitation without supplemental water application. Secondly it must possess an extensive yet shallow root structure that will bind together the soil and reduce infiltration without penetrating the ~~waste disposal~~ <sup>RECYCLING</sup> area. As a final requirement, it must be easily maintained and be aesthetically compatible with the surrounding landscape and environment.

Several common grasses will fulfill these requirements in most areas. Commonly fescue grasses (genus Festuca) provide a suitable cover. The variety selected might also take into account the height that is desired upon full growth. Also suitable might be one of the several bluegrasses (genus Poa) including the well known Kentucky bluegrass (Poa pratensis). Any of the numerous bromegrasses (genus Bromus) could prove satisfactory.

Final selection of a suitable cover can best be accomplished by a horticulturist familiar with the precipitation and soil characteristics of the site following construction of the cap.

# CHEMICAL RECOVERY SYSTEMS, INC.

36345 VAN BORN ROAD  
ROMULUS, MICHIGAN 48174  
PHONE (313) 326-3100



142 LOCUST STREET  
P. O. BOX 375  
ELYRIA, OHIO 44035  
PHONE (216) 323-3275

June 17, 1980

United States Environmental Protection Agency  
230 South Dearborn Street  
Chicago, Illinois 60604

Attention: Marion Neudel, Enforcement Attorney

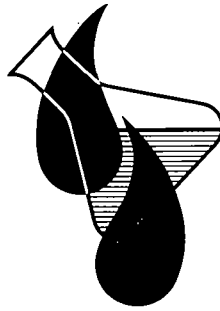
Ms. Neudel,

Pursuant to our meeting of June 4, 1980, regarding the status of our Ohio facility, please find the following:

- I. Enclosed (Item #1), Chemical Recovery Systems, Inc. (CRSI) is providing an inventory of all drums (full, partially full and/or empty, etc.) that are in our possession at our Elyria, Ohio facility. The enclosed inventory is as accurate as possible. Beginning July, 1980, CRSI will provide an up-to-date drum inventory on or before the tenth of each month until complete inventory depletion.
- II. CRSI will immediately tag and/or otherwise identify

# CHEMICAL RECOVERY SYSTEMS, INC.

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ELYRIA, OHIO 44035  
PHONE (216) 323-3275

2.

all bulk storage facilities and supporting piping so as to provide proper information for fire fighting.

CRSI will begin immediately to segregate all drums on the premises into an applicable inventory catalogue. During this segregation procedure all drums will be labeled and/or marked with indelible paint so that future identification is rapid and accurate. We feel this operation can be completed by September 1, 1980.

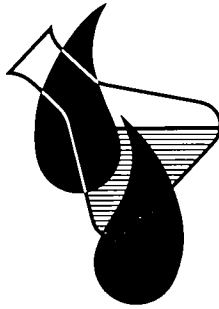
III. CRSI, since the date we purchased this operation, has been making every effort, within our economic means, to "clean-up" this facility. We feel that over the past eight years dramatic strides have been made in drum elimination and general housekeeping. It was imperative that this operation become profitable prior to making large expenditures for "clean-up." With this basic premise in mind, we would like to suggest the following:

A. Effective immediately, CRSI will not knowingly allow any additional drums on the Elyria property unless those drums contain product for immediate resale, "as is," or contain product that has value for immediate reclamation.

# CHEMICAL RECOVERY SYSTEMS, INC.

36345 VAN BORN ROAD  
ROMULUS, MICHIGAN 48174  
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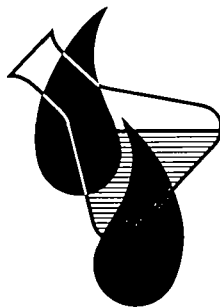


3.

- B. Effective October 15, 1980, CRSI/Elyria, Ohio will not allow any additional product onto its property for reclamation and/or processing of any manner.
  - C. On or before December 31, 1980, CRSI will have processed and/or recovered all recyclable solvent at the Elyria, Ohio facility.
  - D. On or before May 31, 1981, all drums on the premises will be removed and/or stored and identified in a manner suitable with all federal, state, and local regulations.
- IV. During the course of the next 7 - 10 months, CRSI has plans for an orderly shutdown of its Elyria, Ohio facility or total compliance to all applicable federal, state, and local regulations. During the course of this undertaking we would anticipate total cooperation from all government agencies and their representatives. Should permits, written authorizations, etc. become necessary during this time, we would hope preferential treatment would exist in order to maintain the proper time schedules.
- V. Effective immediately no further reclamation of spent

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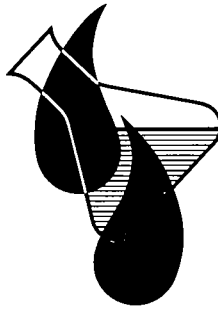
4.

solvent will take place within the confines of the "Brighton Building." We may be using supporting pumps, etc. on a temporary basis for drum cleaning. All work using this supportive equipment is done in order to facilitate the "clean-up."

- VI. All product for recovery between now and December 31, 1980, will be processed through the Rodney-Hunt thin-film evaporator. The Federal Environmental Protection Agency will make certain recommendations in writing regarding this equipment based upon informational data (provided June 4, 1980 to M. Neudel) and a June 2, 1980 field survey by Y. J. Kim, field engineer for Federal E.P.A. The continual operation of this equipment and the supportive piping, pumps, tanks, etc. is essential toward eventual total "clean-up" and/or compliance.
- VII. General good housekeeping is an element we all strive to better. Through our own personnel and contracted labor (see Item #2) we are continuing this effort. It must be understood, however, that during a "clean-up" such as we are undertaking, a certain amount of disarray is inevitable.

# CHEMICAL RECOVERY SYSTEMS, INC.

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ELYRIA, OHIO 44035  
PHONE (216) 323-3275

5.

VIII. Item #2, enclosed, provides information as to the reclaiming, disposal, and/or movement of product at the Elyria, Ohio facility from November 16, 1979 through June 10, 1980. This document also details drum renovation, rubbish removal, etc.

IX. The enclosed diagram (Item #3) sketches the existing fence line that, along with the existing buildings and the Black River, makes the property secure.

In conclusion, it should be noted, and all regulatory government agencies should acknowledge, that any unfavorable conditions that exist today on the property in question were purchased by the current owners in 1974. A solvent recovery operation has existed on this property since approximately 1960! Evidence would show that more monies have been expended in the past several years toward making this a viable and ecologically sound business than can be shown from 1960 to 1973 and perhaps earlier!

We hope the above and enclosed data provide the information you desire. We look forward to your reply.

Sincerely,

Joseph A. Heimbuch

DATE: 7 MAR 1980

SUBJECT: Trip Report- Chemical Recovery Systems, Inc.  
Elyria, Ohio

FROM: M. Toepfer, Engineering Unit 1

TO: File

Thru: G. Czerniak, L. Kertcher

### I. Purpose

To investigate potential violations of the Ohio SIP air pollution regulations at Chemical Recovery Systems, Inc.

To investigate possible emissions of toxic materials to the atmosphere from the distillation process at the facility.

### II. Date and Time

February 5, 1980  
Chemical Recovery Systems, Inc.  
142 Locust Street  
Elyria, Ohio  
10:30 AM to 1:00 PM

### III. Attendees

John Freeman  
Robert Spears

#### Chemical Recovery Systems

President  
Foreman

Melanie Toepfer  
Leon Acierto  
Dan Watson  
Gene Meyers  
Frank Byros

#### USEPA

Environmental Scientist, Air Enforcement  
Engineer, Water Enforcement  
Engineer, USEPA-EDO  
Chemist, Air & Hazardous Materials  
Chemist, RCRA Task Force, HQ

### IV. Discussion

Chemical Recovery Systems (CRS) is located on a small peninsula of the Black River, approximately one block from downtown Elyria, Ohio. Figure 1 is a schematic map of the plant and surrounding area. The site is 3 acres in size. The Elyria facility was purchased from Obitz

Chemical in 1974. CRS owns a second facility in Romulus, Michigan.

James C. Freeman is the president of CRS, Inc. Conversation with Freeman revealed that he plans to sell the site to Harshaw Chemical as soon as possible. Harshaw shares the peninsula with CRS. In an earlier conversation, Spears told EPA personnel that the area north of the Rodney-Hunt process building would be modified into a tank farm later this spring to eliminate the use of 55 gallon drums. At that time the operation would be expanded such that CRS would transport solvents in their own tankers from small volume customers, eliminating the drums. Spears said there would always be a small drum storage area at the facility. The backlog of 600-700 drums yet to be distilled would be gone in approximately 6 months. Freeman was not present during this conversation. I do not know which of the two conversations was more accurate.

CRS operates the distillation units as needed based on customer demand, typically 16 hours per day, 5 days per week. Operation 24 hours per day is common during heavy work load periods. Freeman employs approximately 12 persons. Again, this number is a function of work load. Employees are called or dismissed as needed.

An inventory is kept of all incoming dirty solvent materials and all clean solvents returned to the customer. The inventory is organized by customer, substance, volume and date. As solvents are returned they are crossed off the inventory listing. A separate file is kept on each customer containing all transacted business records and laboratory results. CRS owns a gas chromatograph (GC) and analyzes incoming and outgoing materials. The laboratory analysis serves three functions: 1) to determine the operating parameters for distillation of a given solvent, 2) to protect themselves against customer claims of poor-grade solvent returned after cleaning and 3) to protect themselves against receiving unlawful materials.

The most common materials distilled are automotive solvents. The major customer being GM-Lourdestown. Freeman assured us that the facility contained a very small inventory of chlorinated solvents. The chemical classes of solvents include:

- Ketones
  - Methyl ethyl ketone (MEK)
- Esters
- Xylene
- Toluene
- Aliphatic Hydrocarbons
- Aromatic Hydrocarbons
- Trichlorethylene
- Methylene chloride
- Paint Solvents

### Lacquer Thinners

There are two distillation units in the old process building adjoining the Black River. The stills were manufactured by Brighton and purchased in 1971. Usually only one still is operating at any time. This is because of maintenance problems due to freezing water in the lines, Spears said. CRS does maintain a spare parts inventory to repair equipment as needed. The Brighton units are only operated 3 hours per day. Still bottoms are removed once per day. The units were designed to distill 200 gallons per hour. They operate at 75-100 gallons per hour depending on the solvent. MEK was being distilled during our inspection at approx. 75 gph. Solvent vapor temperature was 150° F. The unit was operating under 4 inches of vacuum. The steam pressure was 90 psia. The steam relief valve was lifted continuously while I was in the process building, discharging steam and vaporized MEK to the atmosphere. Open tanks of dirty solvent are housed within the process building. Strong solvent odors were detectable inside and outside the Brighton building. Calcium chloride has been used previously to 'break', separate the water and solvent after distillation. This procedure has been discontinued.

The boiler and the Rodney-Hunt distillation unit are housed in a second process building. Refer to Figure 1. The boiler is fueled with natural gas and produces 25-100 pounds of steam per hour depending upon demand.

The Rodney-Hunt thin film evaporator was purchased in October, 1978. Figure 2 is a diagram of the system. The system is a double closed loop, assuming proper operation and no leaks. Ideally, the solvents are circulated through the system and back to a storage container without emissions to the atmosphere. The steam and condensed water are continuously recycled through the system. The Rodney-Hunt still was designed at 600 gallon per hour capacity. It operates at 100-150 gallons per hour when distilling perchloroethylene. The Rodney-Hunt unit operates at 250-300 gallons per hour when distilling a blended naptha solvent. The naptha solvent was being distilled during our inspection. Vapor temperature of the solvent was 155° F. Steam temperature was 330° F. Steam pressure was 100 psia. The still bottoms are continuously pumped to two portable bowl tanks located just outside the building.

CRS generates approximately 10,000 gallons of still bottom waste per week. This is sent to Robert Ross and Sons Disposal, Inc. to be incinerated. The cost is 30 cents per gallon.

Drum storage of dirty solvents and still bottoms is in 55 gallon drums stacked 3-4 deep. There was no evidence of noncompatible storage, ie. oxidizers stored with flammable materials. Fire lanes were of sufficient size between rows of drums. Very few leaking drums

were seen. The customer labels were not necessarily accurate indicators of the contents of the drum. CRS has a crude inventory control labelling system for all drums. The actual contents are indicated by a spray paint label on each drum. Soil conditions are unknown at present, because there was a snow cover at the time of the inspection.

Dan Watson took five samples during the inspection. The samples taken were:

- 1) 1 randomly chosed 55 gallon drum,
- 2) 1 spill sample scraped off the concrete floor near the Rodney process building,
- 3) 1 spill sample near the Brighton process building,
- 4) 1 sample taken of ground material outside the door of the Brighton process building, and
- 5) 1 sample of runoff leaching from the bank into the Black River from the Brighton process building. Spears said the runoff was leachate from a sump in the Brighton process building. The size of the sump is 38",deep by 24",square.

#### V. Conclusions

1. 114-APER information was requested in March. Upon return of the questionnaire, calculations should be made quantifying the steam relief valve emissions from the Brighton ditillation units. This is probably a violation of the Ohio SIP. Solvent fumes were very heavy inside the process building.

MEK is a highly flammable, toxic material upon inhalation exposure. The deleterious effects are acute irritation responses with minor residual injury. A 303 action might be considered in addition to the SIP violation.

2. The Rodeny-Hunt unit is a closed loop distillation system assuming no leaks. An S & A request has been forwarded for a leak-detection inspection using a protable LEL meter (Lower Explosive Limit). Solvent odors pervaded the entire area, so leaks were not distinguishable by smell.

cc: Legal  
Ullrich/Bryson/Gardebring  
Acierto/Phelus

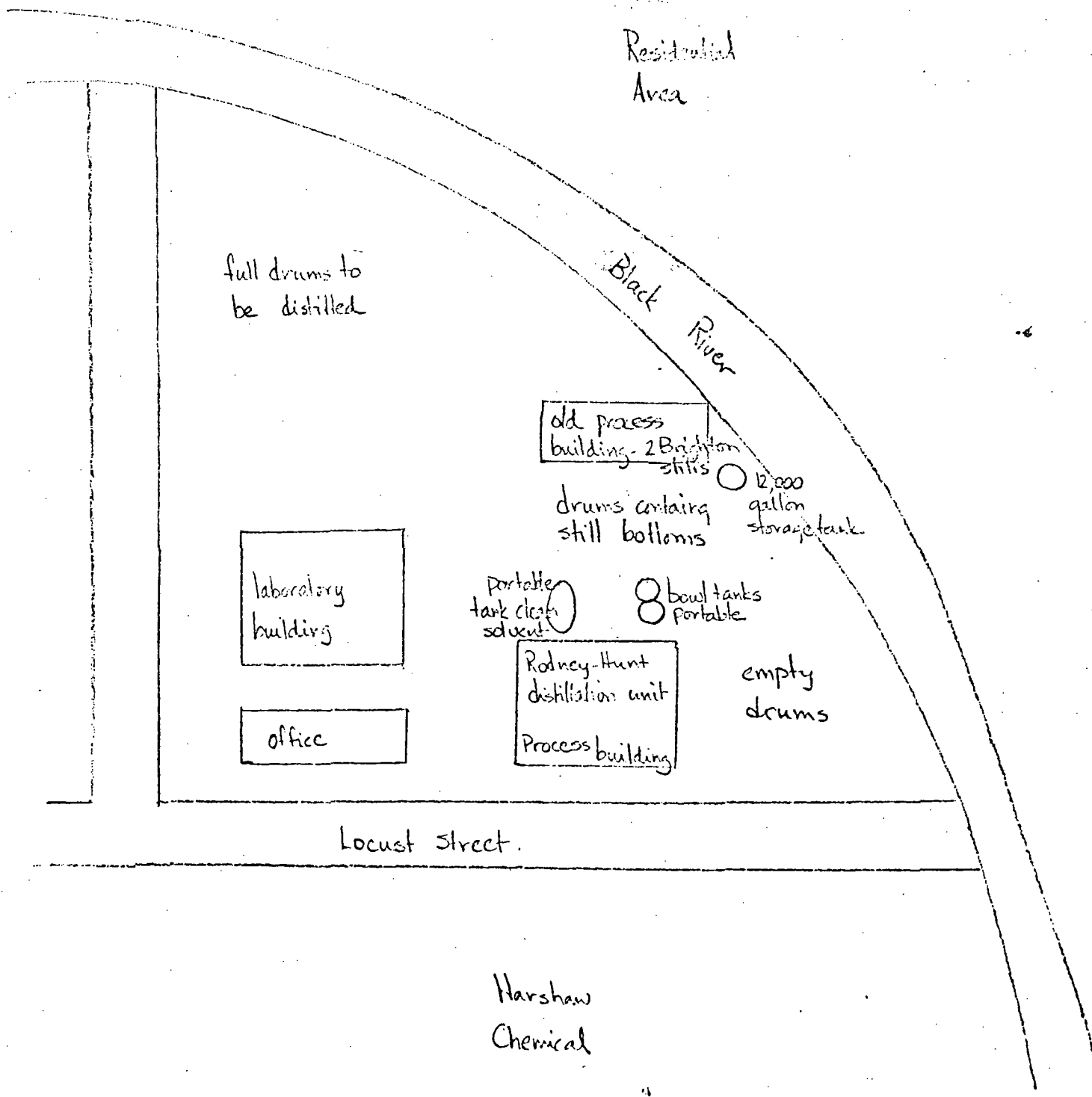
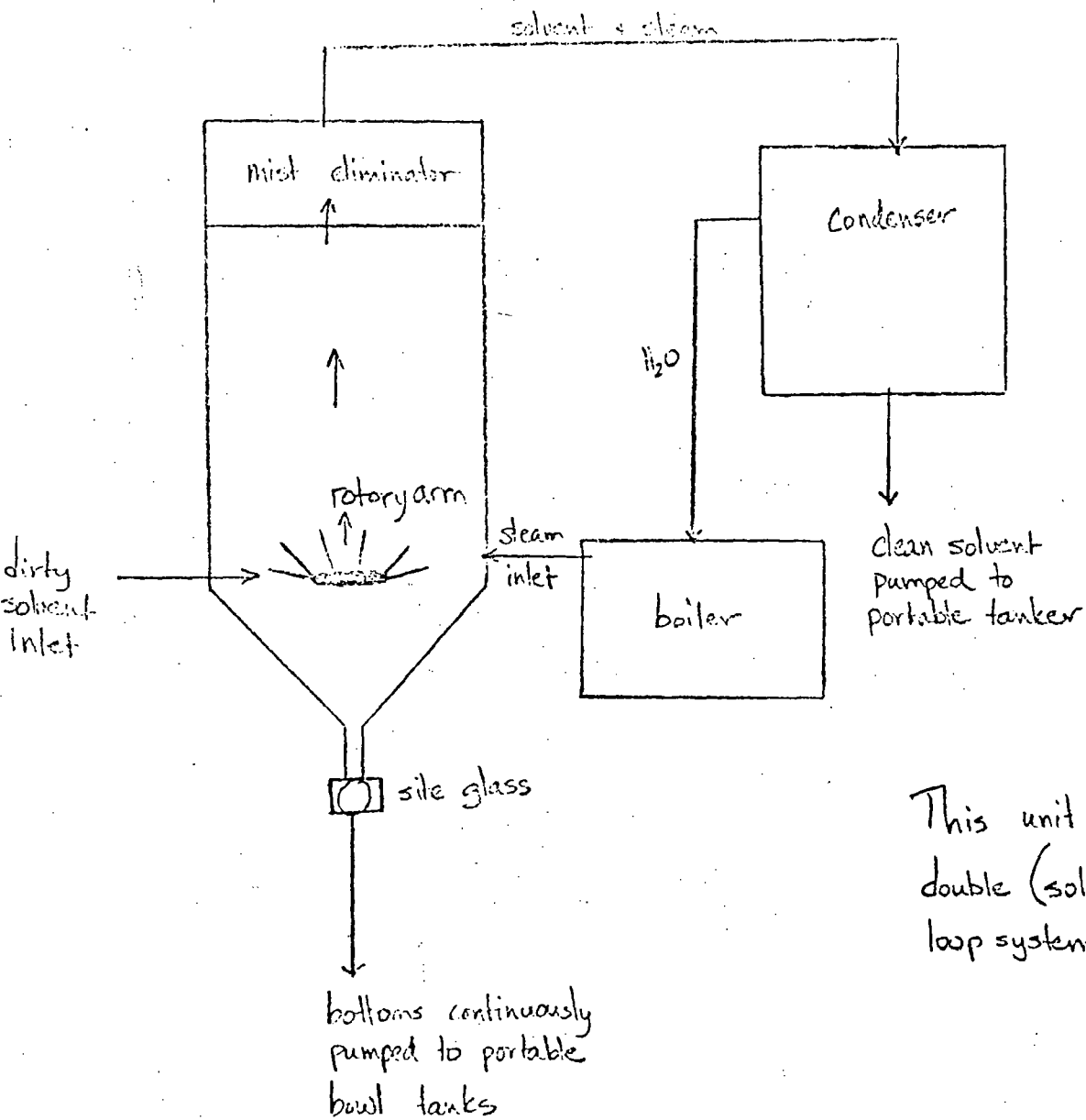


Figure 1. Chemical Recovery Systems, Inc. Elyria, Ohio. ↑ North (not to scale)



This unit is a double (solvent + H<sub>2</sub>O) closed loop system.

Figure 2. Rodney Hunt Thin Film Evaporation Distillation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 14 1980

OFFICE OF ENFORCEMENT

SUBJECT: Visual Inspection of Chemical Recovery Systems, Inc.  
Elyria, Ohio - February 5, 1980

FROM: F. J. Biros, Hazardous Waste Enforcement Task Force

TO: Files

A visual inspection was conducted of the Chemical Recovery Systems, Inc. Facility located at 124 Locust St., Elyria, Ohio in the company of the following personnel:

Gene Meyer - Region 5, AHMD  
Leon Acierito - Region 5, ED  
Melanie Topfer - Region 5, ED  
Dan Watson - Region 5, Eastern-Ohio  
District Office

Sixteen polaroid photos were taken and are available in the TF Chemical Recovery Systems, Inc. working file. Dan Watson of the Ohio District Office took 5 samples while on site including: 1) contents of an open drum ("spent" solvent) adjacent to still in building housing the machine shop; 2) pooled liquid on ground adjacent to drum; 3) soil/ liquid sample between row of drums located across driveway from machine shop; 4) soil/liquid sample in doorway of still building adjacent to Black River; and, 5) soil/leachate sample on bank of Black River. The group arrived at the site approximately 11:15 a.m. And remained on site until approximately 1:30 p.m. The weather was overcast to partly cloudy with a temperature of approximately 11°F.

General Observations

We met with both Jim Freeman, owner/operator and Bob Spears, employee at various times during our stay. The site is approximately 4 acres in size, rectangular, with the long axis running north to south parallel to the Black River and Locust St. There are three building complexes on site; a) loading dock, b) garage still, machine shop, and c) still, storage building. There are approximately 5000-6000 drums on site according to my estimation, although Freeman estimated the number at 4000. According to Freeman, 3200 are "empty" and 800 contain "spent" solvents to be reclaimed under contract, by the still operations of CRS. Reclaimed solvent is sold back to the generator under the terms of the recovery agreements.

On further discussion, Freeman indicated the 3200 drums are not exactly empty, but contain 1-3 inches of sludge residue from the "spent" solvents. He indicated he had a difficult time getting rid of the sludge residue. Incinerator/Disposal Facilities such as Robert Ross were reluctant to handle the sludge materials. However, he stated that he expected to have all drums removed within 6 months. Freeman also stated that the solvents he reclaimed included methyl ethyl ketone, methyl-i-butyl ketone, toluene, xylenes, aromatic hydrocarbons, aliphatic hydrocarbons, paint-solvents, esters, chlorinated hydrocarbons including 1,1,1-trichloroethane, trichloromethylene and perchloroethylene among others.

There were at least 8 bulk, portable storage tanks of chemicals on site ranging up to approximately 15,000 gal capacity and 4 tank trucks. Most contain distilled solvents but some contain sludge residues from the "spent" solvent drums according to Mr. Spears. Many of the bulk tanks were not isolated from buildings on site, were not plumbed or grounded and all but one were not diked. (NFPA Flammable and Combustible Liquids Code, 1977 - Chapter 2 Tank Storage).

The storage areas where drums containing "spent" solvents were stacked appeared to be well laid out. However, DOT labels were not evident on all drums. Fewer than 200 drums were stacked in such areas not more than 3 drums high and accessible by a 12 foot road. However, "empty" drums were not stacked neatly. Some "empty" drums were perched precariously on the river bank and on pallets that were in a poor state of repair. Many "empty" drums were rusted and deteriorating; some were stacked 4-high and in danger of collapse, and others were leaking residues. Contrary to Mr. Freeman's statement, many of these drums appeared to be 1/3 to 1/2 full on sounding. The sludge materials leaking from the rusted drums were in all cases frozen solid because of the ambient temperature so no samples were taken by Dan Watson.

Bob Spears indicated that the owner, Mr. Freeman, intended very shortly to dispose of most of the drums and operate the facility as a reclamation tank farm with only a small "turnover" inventory of "spent" solvent 55-gal. drums. The distilled solvents would be pumped directly from the still recovery vessel to the tank trucks and transported to buyers within a short period of time. Mr. Spears said that to his knowledge Mr. Freeman did not intend to sell the site to Harshaw Chemical Co. This contradicted a statement by Mr. Freeman who indicated he would very much like to sell the property to Harshaw.

On questioning, Mr. Spears indicated that the slick observed in the river was the result of materials leaking from the sump in

the still house on the bank of the river. He stated that CRS had used the sump (24 inches square by 38 inches deep, constructed of cement blocks) up until the time they had discovered it was constructed of concrete blocks and material was noted to be leaching through the blocks and into the river. He acknowledged that the previous owner, Obitts Chemical Co., was probably partially responsible for the river slick.

Following a walk through the site, the group met with Mr. Spears in the CRS trailer in order to view CRS manifests, logs and other records. Mr. Spears, however, indicated that no records were now available on the site and he did not know if Mr. Freeman kept a record of materials coming through the site.

#### Conditions on Site

The following conditions and operations on the CRS site represent serious environmental problems in my opinion.

- o Still operations - CRS operated two stills of approximately 200-300 gal/hours capacity each during the time I was on site. There were parts associated with a third still, as well. The conditions of the stills and the manner of operation including the transfer of spent solvents for distillation constitute an imminent fire hazard to the employees on site and the neighboring community. Private residences and a church were visible directly across the Black River, a distance of 500-600 feet from the site. The odor of solvents, aromatic and chlorinated hydrocarbons, was pervasive in and around the still buildings on site and in the steam emissions from the buildings. Diesel engines and electric pumps were operated in close proximity to the stills. There was a great deal of ground spillage occurring in the solvent transfer operations.

- o Drums containing sludge residues - Mr. Freeman indicated that more than 3200 drums on site contained residues remaining from the "spent" solvents. These drums are stored in a hazardous fashion throughout the site. Some are perched precariously on the river bank, others are stacked 4 high. The drums contain, up to 1/3 and 1/2 of their capacity, sludge residues of unknown composition, presumably PCB, oil materials, paint pigments, plating residues etc. Although no analytical data is available on the sludges, to my knowledge, spillage and leaking from rusted, damaged drums presents a significant contamination threat to soil and groundwater if the residues are, in fact, what they may be expected to be.

o River Slick - The leaching of oils and chemical materials through the river bank into the river was evident during this site inspection. CRS has attempted to control the river contamination by use of a containment boom and fabric chemical "blotters". Both of these approaches are ineffective, especially during the winter months. The leaching continues and presents a serious environmental contamination problem, since the active slick results from chemicals leaching through the river bank from the still building immediately adjacent to the river.

o Security - The site is not totally secure. Public access from the river bank side and some areas of the Locust St. side is possible.

#### Suggested Actions

o Obtain available data from OEPA on the composition of the river slick to connect it to the CRS operation.

o Additional sampling of the drum residues and river slick would be desirable.

o Conduct inspection to determine compliance with Ohio hydrocarbon air emissions regulation of the SIP.

o Contact NIOSH to have them conduct an occupational survey of the work practices required by Freeman and employed by his workers. NIOSH should also be requested to conduct explosimeter measurements, solvent flash point measurements and ambient air measurements of the concentration of organic vapors.

# ROUTING AND TRANSMITTAL SLIP

Date

5/6

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. ~~Grimm~~ / Phelps

2. Munro / Toepfer

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

## REMARKS

I agree on CDP. Any 30 poss. bilities? Please convene an LSC and get a CDP schedule as soon as possible.

3pm

NEPA reg / storage  
(~~file~~ ~~done~~)

IM will get copies  
Can travel f. grt distances & down all over  
Priority pollutants  
fine particulates -

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

Fenner

DATE: MAY 5 1980

SUBJECT: Site Inspection and Environmental Survey of  
Chemical Recovery Systems, Inc., Elyria, OhioFROM: Leon F. Acierto  
Engineering Unit II

TO: Files

On April 23-24, 1980, I and William Albrecht and Dawn Tharr, both of the National Institute & Occupational Safety & Health (NIOSH), Hazard and Technical Assistance Branch, conducted an inspection and environmental survey of Chemical Recovery Systems (CRS). Dan Watson and his technician, EDO, were on hand to assist in the leachate sampling process. Melanie Toepfer, U.S. EPA, Region V, was also briefly at the site on April 23, 1980, in the afternoon. She intended to use an LEL meter (explosivity meter) which she brought with her from Chicago. However, the gas cylinder which she had sent to EDO earlier to be used for calibrating the instrument had not arrived on time. She improvised by using a meter from EDO's storeroom.

The following are observations I made and other highlights:

1. Upon arrival at the plant, we met briefly with Mr. James Freeman, company president. I introduced the people from NIOSH and briefly stated our objectives and what we would be doing during the two-day survey.
2. The distillation unit located near the river was shut down during the entire survey. This particular unit was pointed out before as a possible source of excessive organic fume emission in addition to other sources. Bob Spears of CRS indicated that the company may not re-start this particular unit again due to high cost of operating it.
3. Except for the shutdown of one distilling unit, the general conditions of the plant including the drum and bulk storage areas remain practically unchanged from that observed during the February 1980, survey (copy of trip reports attached). Strong chemical smell was apparent, leachate and runoff were observed coming from the facility and rusty and leaking drums were also observed. Mr. Freeman claims that he cannot find anybody that would accept the excess wastes accumulated at this site.

4. Sampling of ambient air using charcoal tube personal samplers was performed with the help of NIOSH personnel. Portable fume emission detector and explosivity meters were also used in and around the still buildings and storage areas. The ambient air sampling using the charcoal tube samplers was done during the duration of the 4:00 pm to 12:00 pm shift of April 23 and again during the 8:00 am to 4:00 pm shift of April 24.
5. A total of 18 air samples were collected - 4 area samples and 13 personal tube samples.
6. Three sources of water/solution discharges were sampled - discharge from an unexposed sewer pipe leading from the facility, leachate leading from the property into the area bounded by a boom installed by the company in the Black River, and leachate coming out from behind the distillation unit close to the Black River.
7. No explosive readings were obtained during the survey. Organic fumes were detected using an ionization meter around the drum and bulk storage areas. Also, the steam-like emission from the distillation unit which was in operation, was found to contain 200-250 ppm organics using said meter.

A complete report including the analytical results of the ambient air samples will be forwarded to U.S. EPA by NIOSH. The estimated completion date of the analyses is May 14, 1980. The water samples will be analyzed for organics at CRL.

Recommendation: U.S. EPA should proceed with the RCRA and/or CWA case.

cc: Bryson  
✓ Fenner  
Muno/Miner  
Grimes/Schulteis/Phelus  
Acierto  
Leder/HMS File

148 FEB 1980

Inspection of Chemical Recovery Systems, Inc.  
Elyria, Ohio

Leon F. Acierto  
Engineering Unit II

|S|

# File

On February 5, 1980, I and other U.S. EPA personnel (Frank Biros, Task Force, HQ., Gene Meyer, AHMD, Dan Watson, S&A and Melanie Tcepfer, Air Branch) inspected the subject facility. We also spoke with the president of the company, Mr. James Freeman. He was very cooperative in responding to our questions. The following are observations I made and other highlights:

1. Mr. Freeman indicated that the most commonly handled chemicals at this plant include MEK, trichloroethylene, methylene chloride, toluene, etc. These belong to the family of ketones and chlorinated hydrocarbons.
2. Sludge generated by the recovery process is about 10,000 gals a week. Freeman indicated he has a problem finding a suitable facility other than Robert Ross, to accept the waste. Consequently, a high inventory of sludge in the plant is occupying a lot of space and getting to be a problem for him.
3. Plant uses Rodney and Brighten distilling units. One of the units is housed in a building very close to the Black River. This unit is in poor condition and appeared ready to disintegrate.
4. Chemical smell was very noticeable at the site specially close to where the distillation units are. This is definitely a hazard to both health and the environment.
5. Mr. Freeman estimated there are about 3,200 chemical drums in the area. Some of the drums were observed to be leaking, and damaged or rusty. He also indicated that Harshaw is interested in this property. He is just waiting for the right offer from Harshaw.
6. Leachate coming from the property was visible.
7. The site appeared very congested, full of chemical drums stacked all over the place, very poor housekeeping and an apparent lack of proper labeling of most of the drums. Mr. Freeman's assistant, Bob Spears acknowledged that the labels on most of the drums do not indicate their actual contents.
8. The plant, in a 3 acre land, is situated in a congested industrial area with apartment complexes not too far from the site.

9. It was indicated to us that the company plans to reduce drum inventory to bare minimum and to concentrate more on bulk handling, i.e., tank farms and tank trucks will be used more.

Additional samples were collected. These will be tested primarily for flash point data.

cc: Miner  
Grimes/Schulteis/Phelus  
Certo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 14 1980

OFFICE OF ENFORCEMENT

SUBJECT: Visual Inspection of Chemical Recovery Systems, Inc.  
Elyria, Ohio - February 5, 1980

FROM: F. J. Biros, Hazardous Waste Enforcement Task Force

TO: Files

A visual inspection was conducted of the Chemical Recovery Systems, Inc. Facility located at 124 Locust St., Elyria, Ohio in the company of the following personnel:

Gene Meyer - Region 5, AHMD  
Leon Acierto - Region 5, ED  
Melanie Topfer - Region 5, ED  
Dan Watson - Region 5, Eastern-Ohio  
District Office

Sixteen polaroid photos were taken and are available in the TF Chemical Recovery Systems, Inc. working file. Dan Watson of the Ohio District Office took 5 samples while on site including: 1) contents of an open drum ("spent" solvent) adjacent to still in building housing the machine shop; 2) pooled liquid on ground adjacent to drum; 3) soil/ liquid sample between row of drums located across driveway from machine shop; 4) soil/liquid sample in doorway of still building adjacent to Black River; and, 5) soil/leachate sample on bank of Black River. The group arrived at the site approximately 11:15 a.m. And remained on site until approximately 1:30 p.m. The weather was overcast to partly cloudy with a temperature of approximately 11°F.

General Observations

We met with both Jim Freeman, owner/operator and Bob Spears, employee at various times during our stay. The site is approximately 4 acres in size, rectangular, with the long axis running north to south parallel to the Black River and Locust St. There are three building complexes on site; a) loading dock, b) garage still, machine shop, and c) still, storage building. There are approximately 5000-6000 drums on site according to my estimation, although Freeman estimated the number at 4000. According to Freeman, 3200 are "empty" and 800 contain "spent" solvents to be reclaimed under contract, by the still operations of CRS. Reclaimed solvent is sold back to the generator under the terms of the recovery agreements.

On further discussion, Freeman indicated the 3200 drums are not exactly empty, but contain 1-3 inches of sludge residue from the "spent" solvents. He indicated he had a difficult time getting rid of the sludge residue. Incinerator/Disposal Facilities such as Robert Ross were reluctant to handle the sludge materials. However, he stated that he expected to have all drums removed within 6 months. Freeman also stated that the solvents he reclaimed included methyl ethyl ketone, methyl-i-butyl ketone, toluene, xylenes, aromatic hydrocarbons, aliphatic hydrocarbons, paint-solvents, esters, chlorinated hydrocarbons including 1,1,1- trichloroethane, trichloromethylene and perchloroethylene among others.

There were at least 8 bulk, portable storage tanks of chemicals on site ranging up to approximately 15,000 gal capacity and 4 tank trucks. Most contain distilled solvents but some contain sludge residues from the "spent" solvent drums according to Mr. Spears. Many of the bulk tanks were not isolated from buildings on site, were not plumbed or grounded and all but one were not diked. (NFPA Flammable and Combustible Liquids Code, 1977 - Chapter 2 Tank Storage).

The storage areas where drums containing "spent" solvents were stacked appeared to be well laid out. However, DOT labels were not evident on all drums. Fewer than 200 drums were stacked in such areas not more than 3 drums high and accessible by a 12 feet road. However, "empty" drums were not stacked neatly. Some "empty" drums were perched precariously on the river bank and on pallets that were in a poor state of repair. Many "empty" drums were rusted and deteriorating; some were stacked 4-high and in danger of collapse, and others were leaking residues. Contrary to Mr. Freeman's statement, many of these drums appeared to be 1/3 to 1/2 full on sounding. The sludge materials leaking from the rusted drums were in all cases frozen solid because of the ambient temperature so no samples were taken by Dan Watson

Bob Spears indicated that the owner, Mr. Freeman, intended very shortly to dispose of most of the drums and operate the facility as a reclamation tank farm with only a small "turnover" inventory of "spent" solvent 55-gal. drums. The distilled solvents would be pumped directly from the still recovery vessel to the tank trucks and transported to buyers within a short period of time. Mr. Spears said that to his knowledge Mr. Freeman did not intend to sell the site to Harshaw Chemical Co. This contradicted a statement by Mr. Freeman who indicated he would very much like to sell the property to Harshaw.

On questioning, Mr. Spears indicated that the slick observed in the river was the result of materials leaking from the sump in

the still house on the bank of the river. He stated that CRS had used the sump (24 inches square by 38 inches deep, constructed of cement blocks) up until the time they had discovered it was constructed of concrete blocks and material was noted to be leaching through the blocks and into the river. He acknowledged that the previous owner, Obitts Chemical Co., was probably partially responsible for the river slick.

Following a walk through the site, the group met with Mr. Spears in the CRS trailer in order to view CRS manifests, logs and other records. Mr. Spears, however, indicated that no records were now available on the site and he did not know if Mr. Freeman kept a record of materials coming through the site.

#### Conditions on Site

The following conditions and operations on the CRS site represent serious environmental problems in my opinion.

- o Still operations - CRS operated two stills of approximately 200-300 gal/hours capacity each during the time I was on site. There were parts associated with a third still, as well. The conditions of the stills and the manner of operation including the transfer of spent solvents for distillation constitute an imminent fire hazard to the employees on site and the neighboring community. Private residences and a church were visible directly across the Black River, a distance of 500-600 feet from the site. The odor of solvents, aromatic and chlorinated hydrocarbons, was pervasive in and around the still buildings on site and in the steam emissions from the buildings. Diesel engines and electric pumps were operated in close proximity to the stills. There was a great deal of ground spillage occurring in the solvent transfer operations.

- o Drums containing sludge residues - Mr. Freeman indicated that more than 3200 drums on site contained residues remaining from the "spent" solvents. These drums are stored in a hazardous fashion throughout the site. Some are perched precariously on the river bank, others are stacked 4 high. The drums contain, up to 1/3 and 1/2 of their capacity, sludge residues of unknown composition, presumably PCB, oil materials, paint pigments, plating residues etc. Although no analytical data is available on the sludges, to my knowledge, spillage and leaking from rusted, damaged drums presents a significant contamination threat to soil and groundwater if the residues are, in fact, what they may be expected to be.

o River Slick - The leaching of oils and chemical materials through the river bank into the river was evident during this site inspection. CRS has attempted to control the river contamination by use of a containment boom and fabric chemical "blotters". Both of these approaches are ineffective, especially during the winter months. The leaching continues and presents a serious environmental contamination problem, since the active slick results from chemicals leaching through the river bank from the still building immediately adjacent to the river.

o Security - The site is not totally secure. Public access from the river bank side and some areas of the Locust St. side is possible.

#### Suggested Actions

o Obtain available data from OEPA on the composition of the river slick to connect it to the CRS operation.

o Additional sampling of the drum residues and river slick would be desirable.

o Conduct inspection to determine compliance with Ohio hydrocarbon air emissions regulation of the SIP.

o Contact NIOSH to have them conduct an occupational survey of the work practices required by Freeman and employed by his workers. NIOSH should also be requested to conduct explosimeter measurements, solvent flash point measurements and ambient air measurements of the concentration of organic vapors.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

100-100000

MEMORANDUM

OFFICE OF ENFORCEMENT

SUBJECT: Inspection of CRS/Elyria Documents

FROM: Mike Kosakowski, HWETF, EN-335

TO: The Files

From the afternoon of February 4 through February 5, 1981, Leon Acierto (EPA/Region 5), Tom Evans and I inspected the CRS records pursuant to the request for Production of Documents. A summary of the disposition of the 19 items requested follows:

James Freeman (President of CRS, Inc. Ohio) was available on Wednesday only.

1. Contained in the invoices inspected (discussed latter)
2. Ditto
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4. David Long (attorney for CRS) claimed a hydrogeologic assessment of the CRS site is a work product and as such is privileged information.
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7. Ditto
8. David Long was to provide directly to Kathy Sutula (Assistant U.S. Attorney).
9. Permits to handle hazardous wastes were not required in Ohio during the time the Elyria plant was in operation. A Michigan permit was supplied. Additional Michigan permits were found upon inspecting the invoice files. Ohio boiler operation permits were obtained. The invoices showed that CRS received ethanol and sold it. Assuming it was distilled a federal permit is probably necessary. Mr. Long did not know of this and Mr. Freeman was not present on Thursday.

10. Mr. Freeman recalled two instances of products that were rejected by customers, Chrysler Plastics and Uniroyal. Both had too high a moisture content in reclaimed Methyl Ethyl Ketone. A copy of the Chrysler Plastics ~~in~~ invoice was found. Another instance of the same problem with another company was found in the invoices.
11. A description of the Brighten distillation unit was provided. The same for the Rodney-Hunt unit is at the Michigan headquarters. Mr. Freeman said a copy would be provided.
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  - 1) OSHA Standards Nov. 7, 1978.
  - 2) Federal Motor Carrier Safety Regulations, American Trucking Association, Washington, D.C., July 1979.
  - 3) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, U.S. Department of Transportation.
  - 4) Handling Hazardous Materials, American Trucking Association, January 1977.
  - 5) 49 CFR 100-177.
  - 6) 49 CFR 178-199.
  - 7) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, Federal Highway Administration.
13. Mr. Freeman said that the company did not advertise or have sales brochures or plant information summaries. The company retained some of Obitts' customers and developed new customers by word of mouth. Mr. Freeman's business card was provided.
14. An employee list was provided. Only in a few instances were the dates of employment given. Mr. and Mrs. Obitts were listed as employees.
15. (a) Mr. Long will discuss this with Ms. Sutula directly  
(b)&(c). See item 9.
16. Citations by the State fire marshal were provided. The EPA already has the NIOSH report.
17. This item was objected to by Mr. Long.
18. Mr. Long will discuss this with Ms. Sutula directly.
19. This item was objected to by Mr. Long.

Single copies of all materials requested on Wednesday were made in the office by Carol Oliver, the Office Manager, the same day. These were given to Ms. Sutula on Thursday. She will disburse copies from her office. ~~Fred Stiehl will get our copy.~~

Only some of the documents requested Thursday could be copied the same day. Consequently Mr. Long committed to have a local copy center do the job and send the copies to Mr. Sutula.

### Invoices

Invoices were kept in 6 inactive file boxes and 1 active file drawer described below.

1) 1980 Invoice Receipts. This <sup>file</sup> was kept in an actively used file cabinet. The file contained invoices of chemical shipments to and from the plant and correspondence for the year 1980. The file was alphabetically arranged according to customer or supplier.

Each invoice stated the chemical and quantity in either pounds or gallons. Many invoices stated unit and total price to the customer. Costs of incoming chemicals were not listed except where noted to be no charge. The invoices were not consistent in noting whether virgin materials, reprocessed chemicals or mixed chemicals were sold. Mr. Freeman upon my frequent request recalled the history of each chemical. He was usually able to do this by noting the unit sales price. Virgin materials are more expensive.

There were too many invoices in this and the other 6 files to summarize. The three of us spent 2 hours in completing letters A through D in the 1980 file. We decided to spend Thursday looking at the physical condition of the remaining files and selectively review individual customer folders rather than review every one.

2) Accts. Receivable  
stored 8-15-77  
A-O

This file held many Obitts' invoices (pre 1974) and CRS invoices through 1976. These invoices were in the same format as the 1980 file.

3) Accts. Receivable  
stored 8-15-77  
P-Z

This file is a continuation of number 2. It also contained folders on Taxes - State and County and Workman Compensation.

4) Customers A-I  
Thru 1979

This file held recent invoices up to and through 1979.

5) Customers J-Z

Thru 1979

This is a continuation of file number 4.

6) No name on file.

This file contained invoices in various years for example 1976, 1977 and 1978.

After reviewing this file it became obvious that the vouchers were not consistently stored by year(s) of transaction. Duplicative files do not seem to exist. Therefore except for the year 1980, in order to review the files of any one year several boxes need to be searched.

7) Accts. Receivable  
Stored 1977

Invoices for various year<sup>s</sup> were found, for example 1972, 1974 and 1978.

There was no current (after 1974) financial information in the files relating to CRS Inc. of Ohio.

After showing these records to Ms. Sutula she offered the opinion that it was not necessary for the EPA or its contractors to copy these extensive files and if it was necessary she would have the company do it instead. She agreed with our suggestion that a few invoices showing that CRS handled chemicals named in the Complaint be copied. These were found for toluene, methyl ethyl keton<sup>e</sup>, xylene, and some other aromatic hydrocarbons. An extensive search would probably have to be made for tetrachloroethene and hexachloroethane. PCB and the metals are more likely to be contaminants in the chemicals processed than the major economic constituent recovered, and records on these are not likely to be found.

The invoices stated that drums and tankers were cleaned by CRS. Mr. Long did not know about this. We should determine how this was done and where the wastes went. The same should be determined for the distillation columns. The Brighten unit often needed replacement scrappers because of the solids that accumulated, and it is probable that preventative cleaning measures were done. In addition the unit would probably be cleaned whenever a different chemical was distilled.

Apparently the company did not file for interim status for this site, having stopped processing before November 19, 1980, the Solid Waste Act RCRA deadline. Region 5 still considers the site to be in the act of storing hazardous waste, and therefore in violation of RCRA.

*\* They did notify, & have an ID #.*

## Plant Inspection

The CRS plant was inspected Thursday at approximately 4:00p.m. by Messrs. Long, Acierto, ~~Evans~~ and Kosakowski and Ms. Sutula. According to Mr. Acierto the plant site has been considerably cleaned up with many of the drums removed.

The Rodney-Hunt unit was in the process of being disassembled for its new buyer. Some tanks were also in the process of being sold. The plant has not processed chemicals since mid November. Several drums have been crushed by a device on loan from the CRS Michigan site. A tanker from Ross Disposal was at this operation to collect any liquid pressed from the crushed drums. There were no drums near enough the Black River to tip down the bank and into the river. Chain link fences and locked gates secured the area from access by land. Access from the river is hampered by an approximate 10 foot cliff.

Although the grounds were covered by a thin layer of snow, those grounds not covered showed that the soil was very black in its frozen state quite unlike soils outside the fence, indicating some degree of contamination. No leaking drums were noted but the 11°F tempature could be expected to freeze and aqueous and semi-solid substances.

## Sampling Data

At the request of Ms. Sutula, I re-examined the data in our files that supports our contention that an imminent hazard exists with respect to pollution of the ground water and the Black River. I examined only the U.S. EPA data, although both the City of Elyria and the State of Ohio have been involved in actions against CRS for polluting the Black River. The U.S. EPA sampled CRS on three occasions. On November 30, 1980, six samples were taken of solvent, one of the sump and three soil samples. The solvent samples showed that of the chemicals in the complaint tetrachloroethene, sethyl benzene, naphthalene, propyl benzene, trimethyl benzene, phenanthrene or anthracene, cadmium, lead and chromium were present. The sump contained PCB, toluene, ethyl benzene, propyl benzene, trimethyl benzene, cadmium, lead and chromium. The soil samples showed the presence of PCB, cadmium lead and chromium.

On February 5, 1980, the CRS site was inspected and samples were taken. Spillage of chemicals onto the ground and an oily slick on the river were observed. A sample of one open drum showed that it contained xylene, toluene, ethyl benzene, naphthalene, propyl benzene, and trimethylbenzene. Samples of liquids spilled onto the ground at three locations and near the river bank showed the same chemicals in addition to tetrachloroethene and hexachloroethane and even PCB at one point near the still closest the river.

On April 23, 1980, the EPA again sampled the plant. Naphthalene and trimethylbenzene were found within the oil boom in the river. These chemicals and phenanthrene or anthracene were found at various plant locations.

On December 6, 1979, CRS had samples taken and analyzed, Toluene, ethyl benzene, naphthalene, and phenanthrene or anthracene were found within the oil boom.

I believe that sufficient ~~data~~ analytical data exists in addition to inspection observations and statements from plant personnel to demonstrate that CRS has polluted the Black River and to suspect that groundwater was and is being polluted.

Ground<sup>H<sub>2</sub>O</sup> - can we affirmatively show that ground<sup>H<sub>2</sub>O</sup> is contaminated - Migration to Black River?

FEB 13 1981

Trip Report - Review of Chemical Recovery  
Systems (CRS) Documents and Plant Inspection

Leon Acierto  
Engineering Unit II

Files

On February 4-5, 1981, I made a trip to Elyria, Ohio. The purpose was to review CRS documents as part of the discovery process in this case and to conduct a walk-through plant inspection which included AUSA Kathleen Sutula.

For the file audit, I was joined by two representatives from EPA/HQ, Mike Kosokawski and Tom Evans. We arrived at the CRS sales office at around mid morning of February 4, 1981. David Long and James Freeman, CRS counsel and president, respectively, were on hand to answer any questions we had. Among the documents we looked at included shipping/sales invoices, delivery/receiving tickets, equipment manuals, permits, expense receipts which included waste manifests, etc. The following morning (February 5), also was spent reviewing the documents. Tom Evans left after the file audit, shortly before noon.

Kathy Sutula joined us in the afternoon. After a short discussion of the day's events with her and a brief meeting with David Long, we proceeded to the plant site for the inspection. A brief summary of the inspection follows:

Participants

Leon Acierto, EPA, Region V  
Kathy Sutula, AUSA, Cleveland  
David Long, CRS Counsel  
Mike Kosokawski, EPA, HQ

Observations

The plant was not operating at the time of the inspection. The company claimed that the plant had been shut down since mid November 1980 and is in the process of dismantling equipments and shipping out other plant inventory. There is a noticeable decrease in the number of drums on site. However, several leaking drums were still there, the tank farms unchanged, empty drums and filled drums stacked 2-3 or more high and chemical odor was still prevalent at the site, most probably from the drums. The ground was covered with snow but there were areas that appeared oily and/or black, indicating that spillages had occurred. I took several pictures to document the present status of the site. We left Elyria at around 5:30 p.m.

cc: Fenner  
Miner/DiDomenico  
~~Grims/Schaffers/Heudel~~  
Acierto

Trip Report -- Meeting in Reynoldsburg, Ohio, December 7, 1979, concerning  
Chemical Recovery site in Elyria, Ohio

Eugene Meyer, Ph.D. *EM*  
Chemist

The following people were in attendance:

- (1) George Phelus, Leon Acierto, and Eugene Meyer from U.S. Environmental Protection Agency;
- (2) Mark Brandenburger, Chief Dean Hubbard, and Jack Ward, City officials from Hamilton, Ohio;
- (3) Ken Harsh, P. Cotter, and Dennis DeNiro from Ohio Environmental Protection Agency;
- (4) Vincent L. Howard, Gregory Worcester, Ernest G. Bartha, and Lonny Shippy of Elyria, Ohio;
- (5) Gene Fishbaugh and Jack Graves, State Fire Inspectors.

The meeting was chaired by Robert F. Buker, Acting Chief Inspection Bureau, State Fire Marshal's office (8895 E. Main Street, Reynoldsburg, Ohio 43068; 614 864-5510).

The purpose of this meeting was to bring together the various parties that have some acquaintance with the operations at Chemical Recovery in Elyria. The majority of the presentation was made by the representatives from Elyria. They pointed out that they have been watching this site since 1966. The site was purchased from Obitz together with an inventory of some 7,000 drums. The contents of these drums are unknown, but the drums are corroding and leaking onto ground property and in some cases into the nearby Black River. A number of barrels are located directly on the riverbank and on occasion have been known to fall into the river.

The entire site is close to the downtown district of Elyria and is across the street from Harshoff Chemical Co. They have been caught with spillage and poor operational procedures. At one time (3/14/79) approximately 200 gal of a Class I flammable liquid was spilled on the property, some of which leaked to the river. A sample of this material illustrated that it had a flash point less than 34°F. Analysis showed that the sample was a mixture of xylene and methyl ethyl ketone.

The Ohio EPA has investigated operations on several occasions and agree that procedures are environmentally unsound. They requested that a boom be installed in order to catch any indirect discharge from the plant to the river.

A water analysis from a storm sewer indicated the presence of xylene, acetone, and other flammable solvents (flash point 69°F).

In January, 1979 (1/3/79) a hole was discovered in a dike surrounding one of the storage containers. Again, on February 2, 1979, a flammable liquid was observed flowing from the property directly towards the river.

The Elyria representatives have from five to ten cases of bona fide illustrations

of improper operations. Storage tanks do not meet fire code requirements regarding storage of flammable and combustible material. There are also indications that there is violation of building codes, electrical codes, etc. It is doubtful that OSHA regulations are in effect.

Some minor improvements have been made over the years since operation of the company first began. Fencing is up around the property, although there is no barrier near the river. On one occasion late in the evening, the gates were wide open and no watchmen were in attendance.

Several fires have been documented at this site. On one occasion, a fire investigator noted that the hydrocarbon concentration was 800 ppm, which was essentially off the explosimeter used.

Oil scum has been observed on the surface of the river and there is further evidence of pollution to the river. The smell of organic vapors is generally very high in the area.

Aside from the Elyria plant, there is another company in Michigan. Furthermore, there is considerable contradiction over the ownership of both sites.

The Health Department has been involved with the problem since 1973. They have complained of numerous violations regarding health hazards of one type or another. The Elyria company did agree to reduce their inventory of drums to 1,800-2,000 by March, but to date, there is little evidence that the company is working in this direction.

There is also a possibility that buried chemical waste on site is leaking towards the river, but this is only a conjecture. There are no wells in the area. The ground is fill-type (concrete mostly).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

RAFT

MEMORANDUM

OFFICE OF ENFORCEMENT

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FROM: Mike Kosakowski, HWETF, EN-335  
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Although the grounds were covered by a thin layer of snow, those grounds not covered showed that the soil was very black in its frozen state quite unlike soils outside the fence, indicating some degree of contamination. No leaking drums were noted but the 11°F tempature could be expected to freeze and aqueous and semi-solid substances.

## Sampling Data

At the request of Ms. Sutula, I re-examined the data in our files that supports our contention that an imminent hazard exists with respect to pollution of the ground water and the Black River. I examined only the U.S. EPA data, although both the City of Elyria and the State of Ohio have been involved in actions against CRS for polluting the Black River. The U.S. EPA sampled CRS on three occasions. On November 30, 1980, six samples were taken of solvent, one of the sump and three soil samples. The solvent samples showed that of the chemicals in the complaint tetrachloroethene, sethyl benzene, naphthalene, propyl benzene, trimethyl benzene, phenanthrene or anthracene, cadmium, lead and chromium were present. The sump contained PCB, toluene, ethyl benzene, propyl benzene, trimethyl benzene, cadmium, lead and chromium. The soil samples showed the presence of PCB, cadmium lead and chromium.

On February 5, 1980, the CRS site was inspected and samples were taken. Spillage of chemicals onto the ground and an oily slick on the river were observed. A sample of one open drum showed that it contained xylene, toluene, ethyl benzene, naphthalene, propyl benzene, and trimethylbenzene. Samples of liquids spilled onto the ground at three locations and near the river bank showed the same chemicals in addition to tetrachloroethene and hexachloroethane and even PCB at one point near the still closest the river.

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On December 6, 1979, CRS had samples taken and analyzed, Toluene, ethyl benzene, naphthalene, and phenanthrene or anthracene were found within the oil broom.

I believe that sufficient ~~data~~ analytical data exists in addition to inspection observations and statements from plant personnel to demonstrate that CRS has polluted the Black River and to suspect that groundwater was and is being polluted.

GroundH<sub>2</sub>O - can we affirmatively show that  
groundH<sub>2</sub>O is contaminated - Migration  
to Black River?

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEM,

Defendant.

---

Civil No. C80-1858

DEFENDANT'S RESPONSE TO  
THE UNITED STATES FIRST  
SET OF REQUESTS FOR PRO-  
DUCTION OF DOCUMENTS

NOW COMES Defendant, Chemical Recovery Systems, Inc. by and through its attorneys, Murphy, Burns & McInerney, P.C. and David C. Long Co., L.P.A., and respond to Plaintiff's first set of requests as follows:

1. Documents requested in Paragraph 1 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

2. Documents requested in Paragraph 2 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

3. Documents requested in Paragraph 3 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

4. Documents requested in Paragraph 4 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

5. Documents requested in Paragraph 5 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio

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6. Documents requested in Paragraph 6 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

7. Documents requested in Paragraph 7 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

8. Documents requested in Paragraph 8 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

9. Documents requested in Paragraph 9 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

10. Documents requested in Paragraph 10 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

11. Documents requested in Paragraph 11 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

12. Documents requested in Paragraph 12 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

13. Documents requested in Paragraph 13 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

14. Documents requested in Paragraph 14 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

15. Documents requested in Paragraph 15 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

16. Documents requested in Paragraph 16 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

17. Defendant objects to Plaintiff's request for the documents listed in Paragraph 17 because these documents are not relevant to the subject matter of this dispute.

18. Documents requested in Paragraph 18 shall be made available to the Plaintiff for inspection and copying at Defendant's premises located at 142 Locust Street, Elyria, Ohio at a time to be mutually agreed upon by counsel.

19. Defendant objects to Plaintiff's request for the documents listed in Paragraph 19 because the request is unclear and ambiguous as to the documents requested.

DATED: December 24, 1980

Respectfully submitted,

MURPHY, BURNS & McINERNEY, P.C.

By Richard A. Stevens  
FOR Gary J. McInerney (P-17439)  
Business Address:

4000 Campau Square Building  
180 Monroe, N.W.  
Grand Rapids, MI 49503

DATED: December 24, 1980

By

Richard A. Young

for David C. Long

Business Address:

300 Fourth Street

P.O. Box 427

Elyria, Ohio 44036

MURPHY, BURNS  
MCINERNEY, P.C.  
ATTORNEYS AT LAW  
4000, CAMPAU SQUARE  
BUILDING  
80 MONROE, N.W.  
AND RAPIDS, MICHIGAN  
49503



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DRAFT

MEMORANDUM

OFFICE OF ENFORCEMENT

SUBJECT: Inspection of CRS/Elyria Documents

FROM: Mike Kosakowski, HWETF, EN-335

TO: The Files

From the afternoon of February 4 through February 5, 1981, Leon Acierto (EPA/Region 5), Tom Evans and I inspected the CRS records pursuant to the request for Production of Documents. A summary of the disposition of the 19 items requested follows:

James Freeman (President of CRS, Inc. Ohio) was available on Wednesday only.

1. Contained in the invoices inspected (discussed latter)
2. Ditto
3. The EPA already has the Harshaw study.
4. David Long (attorney for CRS) claimed a hydrogeologic assessment of the CRS site is a work product and as such is privileged information.
5. Contained in the invoices inspected.
6. Ditto
7. Ditto
8. David Long was to provide directly to Kathy Sutula (Assistant U.S. Attorney).
9. Permits to handle hazardous wastes were not required in Ohio during the time the Elyria plant was in operation. A Michigan permit was supplied. Additional Michigan permits were found upon inspecting the invoice files. Ohio boiler operation permits were obtained. The invoices showed that CRS received ethanol and sold it. Assuming it was distilled a federal permit is probably necessary. Mr. Long did not know of this and Mr. Freeman was not present on Thursday.

10. Mr. Freeman recalled two instances of products that were rejected by customers, Chrysler Plastics and Uniroyal. Both had too high a moisture content in reclaimed Methyl Ethyl Ketone. A copy of the Chrysler Plastics ~~in~~ invoice was found. Another instance of the same problem with another company was found in the invoices.
11. A description of the Brighten distillation unit was provided. The same for the Rodney-Hunt unit is at the Michigan headquarters. Mr. Freeman said a copy would be provided.
12. Start up procedures for the Brighten unit were provided. Mr. Freeman said that the following manuals existed at the office. Mr. Freeman stated that the plant foreman was familiar with them and that they were made available to the plant employees.
  - 1) OSHA Standards Nov. 7, 1978.
  - 2) Federal Motor Carrier Safety Regulations, American Trucking Association, Washington, D.C., July 1979.
  - 3) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, U.S. Department of Transportation.
  - 4) Handling Hazardous Materials, American Trucking Association, January 1977.
  - 5) 49 CFR 100-177.
  - 6) 49 CFR 178-199.
  - 7) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, Federal Highway Administration.
13. Mr. Freeman said that the company did not advertise or have sales brochures or plant information summaries. The company retained some of Obitts' customers and developed new customers by word of mouth. Mr. Freeman's business card was provided.
14. An employee list was provided. Only in a few instances were the dates of employment given. Mr. and Mrs. Obitts were listed as employees.
15. (a) Mr. Long will discuss this with Ms. Sutula directly  
(b)&(c). See item 9.
16. Citations by the State fire marshal were provided. The EPA already has the NIOSH report.
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to Black River?

Note  
copy

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA OHIO  
~~HAMMOND DIVISION~~

**FILED**  
APR 15 1980

AT  
RICHARD E. TIMMONS, CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
*Chemical Recovery Systems,* )  
~~MIDWEST SOLVENT RECOVERY,~~ )  
INC., et al., )  
 )  
Defendants. )

Civil No. ~~479-556~~

UNITED STATES' FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

The Plaintiff, United States of America, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendants, *Chemical Recovery Systems, Inc.* ~~Industrial Tectonics Incorporated,~~ ~~Charles A. Licht, David E. Licht and Delores Licht~~ produce the documents hereinafter described and permit attorneys for the Plaintiff to inspect and copy them. Plaintiff requests that the documents be made available for this inspection at the Office of the United States Attorney for the Northern District of Indiana, *Ohio* ~~507 State Street, Room 312, Federal Building, Hammond, Indiana.~~

Plaintiff further requests that this inspection be permitted by defendants immediately after defendants' response to this request has been filed, and that their attorneys be permitted to remove from defendant's custody such of the documents as they desire to copy, on the understanding that plaintiff's attorneys will be responsible for these documents so long as they are in their possession, that copying will be done at plaintiff's expense, and that the documents will be promptly returned immediately after copying has been completed.

1. For each document produced in response to a request for production or an interrogatory, indicate on the document or in some other reasonable manner the numbered request(s)

and subpart(s) hereof to which it responds. Documents created and applicable before January 1, 1974, need not be supplied. Documents created before January 1, 1974, and applicable after that date should be supplied.

2. If anything is deleted from a document produced in response to the interrogatories and requests for production, state:

- (a) The reason for the deletion, and
- (b) The subject matter of the deletion.

3. This request covers all documents in the possession, control or custody of the Defendant, its officers, employees, agents, servants, attorneys and assigns.

4. Response shall state, where applicable, whether documents described by any requests or subpart hereof, either are now within defendant's possession, custody or control-- and if not, in whose possession, custody or control such documents may be found--or do not exist.

#### DEFINITIONS

"Documents" mean, without limitation, the following items, whether printed, recorded or reproduced by any mechanical process or stored in any mechanical device and capable of being produced or written, or produced or written by hand: correspondence; telegrams; memoranda; summaries or records of telephone conversations; summaries or records of personal conversations or interviews; summaries or records of meetings or conferences; opinions or reports of consultants or contractors or any governmental official or agency, including but not limited to results of the testing of material including chemicals; photographs or motion pictures or video tapes; charts or graphs; brochures, pamphlets, advertisements or circulars; speeches, press releases or newspaper clippings; contracts, or in any form.

agreements or other items showing business or employer-employee relationships; lists, diaries, notes, notebooks, datebooks, calendars or appointment books; plans, drawings, sketches or maps; licenses, permits, permissions to operate from any local, State or Federal agency; manifests, bills of lading, invoices, inventories, results of tests and all other writings or communications. All non-identical copies of each document shall be produced including any drafts of any document or any document which contains marginal comments.

2. The "Midco I site" means the premises located at 146 Locust Street, Elyria, Ohio and around 7400 W. 15th Avenue, Gary, Indiana and is described in paragraph one of plaintiff's Complaint, whether or not owned by defendants, on or over which defendants have

4. Response shall state, where applicable, whether chemicals or chemical wastes or materials contaminated by chemicals are now within defendant's possession, custody, or control, or chemical wastes.

3. "Chemicals or chemical wastes" mean substances obtained by a chemical process or used for producing a chemical effect, including but not limited to the by-products of industrial processes transported to the Midco I site, paint solvents and paint sludges processed and/or produced at the Midco I site, and any and all other solid or hazardous wastes as those terms are defined in the

Resource Conservation and Recovery Act, 42 U.S.C. 6903.

4. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

The documents covered by this request are as follows:

1. All documents, including but not limited to inventories, sample results, test results, bills of lading and invoices, which state what chemicals or chemical wastes were transported to the Midco I site between January 1, 1970, and the present.

2. All documents, including but not limited to inventories, calculations, lists, invoices, reports, memoranda, correspondence or other business records which state the quantity of chemicals or chemical wastes, in solid and/or liquid form, or the number of drums or drum equivalents that were transported to, stored on and/or processed on the <sup>CRS</sup> ~~Midco~~ site during any and all periods between January 1, 1974, and the present.

3. All documents, including but not limited to consultants' or contractor's reports, test results, memoranda of any local, State or Federal agency which states or projects the existence or nonexistence of soil and/or groundwater at, around and under the <sup>CRS</sup> ~~Midco~~ site which is contaminated by chemicals or chemical wastes, or describes the hydrogeological conditions at and under the site, <sup>obtained by or under contract to CRS or any other Corporation or person,</sup>

4. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which transport or have transported chemical or chemical wastes to the <sup>CRS</sup> ~~Midco~~ site; sell or have sold or otherwise ~~transfer or have~~ transferred chemicals or chemical wastes to the defendants for transport to the <sup>CRS</sup> ~~Midco~~ site; sell or have sold or otherwise ~~transfer or have~~ transferred chemicals or chemical wastes to third parties for transport to the <sup>CRS</sup> ~~Midco~~ site. Such documents shall include but not be limited to contracts, bills of lading, sales agreements, order forms, records of conversations, diaries, notes, graphs and any other writing or communication.

5. All documents which describe, state or list the persons, corporations, associations, municipalities or other entities which receive chemicals or chemical wastes, or sold chemical or chemical wastes or to whom chemicals or chemical wastes are or were transferred from the <sup>CRS</sup> ~~Midco~~ site.

6. All documents which describe the contents, chemical composition and quantities of chemicals or chemical wastes

received by the persons, corporations, associations, municipalities or their entities described in request 5 above, between January 1, 1974, and the present.

7. All documents which describe any and all legal or other relationships between the persons, corporations,

associations, which deliver to or receive chemical wastes

from the ~~Midco-I~~ <sup>CRS</sup> site and ~~any and/or all of~~ <sup>or any current or former</sup> the defendants,

including but not limited to articles of incorporations,

partnership or trust agreements, land contracts or deeds,

contracts and documents showing common officers, directors,

incorporators, employees and/or agents. <sup>agents of defendant CRS,</sup>

8. All documents, including but not limited to licenses,

permits, permissions, and approvals of any local, State or

Federal agency, which state that the entities to which

chemicals or chemical wastes were sold or transferred were

or are fit to take the particular chemical or chemical waste

received in the quantity and in the container in which it

was received. ~~transport or have transported~~

9. All documents which describe, state or record events

or occasions where chemicals or chemical wastes from the

~~Midco-I~~ <sup>CRS</sup> site were rejected, returned or otherwise transferred

back to ~~Midco-I~~ <sup>CRS</sup> or any other facility owned, operated or

controlled by the defendants for whatever reason. Such

documents shall include but not be limited to notes, citations,

records of telephone conversations, correspondence, memoranda

and any other communication or writing. <sup>notes, graphs</sup>

10. All documents relating to any process employed by

defendants between January 1, 1974, and the present to treat,

handle, dispose of, reprocess or recycle chemicals or chemical

wastes at the ~~Midco-I~~ <sup>CRS</sup> site. ~~sale or chemical wastes, or sale~~

11. All documents, including but not limited to manuals,

handbooks, training course literature, brochures, and

memoranda, which describe or state procedures for transport,

packaging, handling, storage, treatment and disposal of

chemicals or chemical wastes on or off the ~~Midco I~~ <sup>CPS</sup> site between January 1, 1974, and the present.

12. All documents, which state, describe, list or explain the services offered at the ~~Midco I~~ <sup>CPS</sup> site for transportation, treatment, disposal and storage of chemicals and chemical wastes including but not limited to advertising materials, brochures, correspondence and business cards.

13. All documents which state or list the names and/or addresses of employees, agents, and contractors employed, hired, or paid by any of the defendants between January 1, 1974, and the present.

14. All documents, including but not limited to all past and current permits, licenses, certificates, authorizations, and approvals, evidencing the right of authority of any of the defendants to:

- (a) Transact business in any form or manner other than as a sole proprietorship under the names of the defendant;
- (b) Engage in the treatment, transport, storage, handling or disposal of chemicals or chemical wastes at the Midco I site;
- (c) Deliver, transport, collect or dispose of industrial chemicals, materials or waste, at any generator, transshipment point or disposal facility, including but not limited to landfill and incinerators.

15. All documents evidencing correspondence, conversations, or other contact between any of the defendants and any local, State or Federal agency, concerning the handling, transport, treatment, storage or disposal of chemicals and chemical wastes at the ~~Midco I~~ <sup>CPS</sup> site, including but not limited to Interstate Commerce Commission and Public Utility Commission approvals and citations for violations of any local, State or Federal law.

16. All documents, including but not limited to insurance policies, sales records, corporate minutes, business ledgers, and records of loans or applications for loans to or from any of the defendants, net worth statements, financial statements, <sup>annual reports,</sup> check registers, daily accounting journals or diaries, books of account, retained copies of tax records including copies

of Federal tax forms 1120, 1120S, 1040, 941 and 940, which indicate the financial condition of ~~any and/or all of the~~ defendants, *all current & former officers of defendant CRS, during their tenure as officers.*

17. All documents, including but not limited to leases, land contracts, real estate contracts and contracts relating to the leasing, buying, and/or contracting of the land or part of the land and/or buildings at the ~~Midco I~~ *CRS* site.

18. All documents, including but not limited to contracts, rental agreements, receipts, purchase orders and bills of sale relating to personal property owned and/or rented by Industrial Tectonics.

19. All documents, including but not limited to contracts and cancelled checks, relating to the purchasing of the business, logo, telephone number, equipment and/or customer lists from ~~Midwest Industrial Waste Disposal Company, Inc.~~ *Obbitts Chemical Company* and/or ~~Midwest Solvent Recovery Company, Inc.~~ *Chemical Recovery Systems,*

20. All documents, including but not limited to contracts, agreements, notes, cancelled checks and receipts relating to any partnership agreement entered into or proposed between any and/or all the defendants and outside parties concerning Industrial Tectonics and/or the Midco I site and its operation.

21. All documents, relating to Ernest DeHart, and/or Lovie DeHart, including but not limited to correspondence, contracts, and letters, concerning the lease of Ernest DeHart's land, customer list received from Ernest DeHart, Midwest Industrial Waste Disposal Co., Inc., and/or Midwest Solvent Recovery, Inc., list of customers that is on rolodex type cards, complete customer files, contracts with U.S. Surplus Sales Company, contracts with Scrap Haulers, and title to trucks bought from Ernest DeHart.

22. All documents that are part of employees records, including but not limited to employee applications and payroll records.

23. All documents that indicate number and size of drums received by Industrial Tectonics.

24. All documents, invoices, pickup tickets, receiving tickets, and bills of lading relating to incoming drums of material to Industrial Tectonics.

25. All documents that indicate the amount of waste received by Industrial Tectonics not contained in drums.

26. All documents, invoices, pickup tickets, receiving tickets, and bills of lading relating to incoming waste not contained in drums to Industrial Tectonics.

27. All documents relating to rental trucks.

28. All documents relating to shipments leaving Industrial Tectonics.

29. All documents relating to analysis of chemicals done by Waste Reclamation Research.

30. All documents relating to Scrap Haulers.

31. All documents relating to Waste Reclamation Research, Eau Claire, Wisconsin, Hydrite Chemical, Milwaukee, Wisconsin, Acme Barrel Company, Chicago, Illinois, Calumet Container, Hammond, Indiana, including but not limited to, documents that show volume of shipments, composition of shipments, invoice checks, bank deposit records, account entries, and correspondence.

32. All permits from the States of ~~Illinois or Indiana~~ Ohio.

33. All documents, relating to the disposal and/or landfilling of any material by Industrial Tectonics, including but not limited to bills of lading, invoices, bills, reports of chemical analysis and permits.

34. All documents relating to the purchase and/or use of power, fuel, and/or equipment.

35. All documents that relate to or are unsigned partnership agreements between Charles Licht and any other part or parties.

including but not limited to

records.

36. All documents that are prospect uses for Industrial Tectonics.

DAVID T. READY

United States Attorney

BY:

ANDREW B. BAKER, JR.

Assistant United States Attorney

Office of the United States Attorney

507 State Street

Room 312, Federal Building

Hammond, Indiana 46320

219/932-5500, Extension 5215

Tectonics.

29. All documents relating to analysis of chemicals done by Waste Reclamation Research.

30. All documents relating to Scrap Handlers.

31. All documents relating to Waste Reclamation Research, Eel, Glais, Wisconsin, Hydric Chemical, Milwaukee, Wisconsin, Acme Barrel Company, Inc., Chicago, Illinois, General Containers, Hammond, Indiana, including but not limited to documents that show volume of shipments, composition of shipments, invoice checks, bank deposit records, account entries, and correspondence.

32. All permits from the States of Illinois or Indiana.

33. All documents relating to the disposal and/or landfiling of any material of Industrial Tectonics, including but not limited to bills of lading, invoices, bills, reports of chemical analysis and permits.

34. All documents relating to the purchase and/or use of power, fuel, and/or equipment.

35. All documents that relate to or are unrelated partnership agreements between Charles Light and any other person or persons.

CERTIFICATE OF SERVICE

This is to certify that I have this 15th day of April, 1980, deposited in the United States mail at Hammond, Indiana, a copy of the attached United States' First Set of Requests for Production of Documents, properly addressed to:

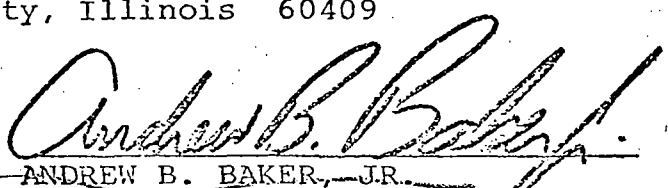
GARY K. MATTHEWS  
LOWELL E. ENSLEN  
53 Muenich Court  
Hammond, Indiana 46320  
219/932-5500, Extension 5215

MELVIN MORRIS  
2216 Broadway  
P.O. Box 3117  
East Chicago, IN 46312

DAVID E. LICHT  
280 Madison Avenue  
New York, N.Y. 10016

LEO A. OSTROWSKI  
118 North Broad St.  
Griffith, Indiana 46319

MICHAEL M. RESNEY  
850 Burnham Avenue  
Calumet City, Illinois 60409

  
ANDREW B. BAKER, JR.  
Assistant United States Attorney  
507 State Street  
Room 312, Federal Building  
Hammond, Indiana 46320  
219/932-5500, Extension 5215

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS, INC.,  
Defendant.

Civil Action No.: C80-14

Judge Ann Aldrich

DEFENDANT'S FIRST SET  
OF INTERROGATORIES TO  
PLAINTIFF

3

Maman,

I answered most of the  
questions found on the file  
that I have. The items  
marked \* & O maybe  
answered by you & HQ respectively  
better

Leon  
3/25/81  
4 PM

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHEMICAL RECOVERY SYSTEMS,  
INC.,

Defendant.

Civil Action No.: C 80-1858

Judge Ann Aldrich

DEFENDANT'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFF

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Defendant, Chemical Recovery Systems, Inc., demands that the United States of America, the Plaintiff, answer the following Interrogatories, in writing, under oath, within thirty (30) days after service.

DEFINITIONS

A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and all present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of Defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of Defendant whether printed, recorded, reproduced by any process, or written or produced by hand including, but not limited to, letters, reports, contracts, agreements, communications, including inter-intra-agency or intra-inter-office communications, correspondence, telegrams, memoranda, summaries or records of personal conversations, diaries

logs, forecasts, photographs, tape recordings, models; statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any documents, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify", when used in reference to: (1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or

if no title, the subject matter), author, sender, recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral communication, the date, communicator, communicatee, and all persons present. In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act of their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present or having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the

basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. As used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by Plaintiff or Plaintiff's agents or investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of each species in the case of a mixture, if determined or otherwise known), giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the terms "Chemical Recovery Systems facility" "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

I. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

J. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter

of the deletion.

K. This request covers all documents in the possession, control, or custody of the defendant, and the corporations controlling or controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

★  
1. Identify the person(s) answering or assisting in the Preparation of the answers to these interrogatories indicating as to each:

Full name;

Business Address;

Job Affiliation;

Title or position;

Affiliation with Plaintiff, if any;

Employment duties, and the specific answers with which this person has participated.

★  
2. Identify all employees, agents, or representatives of the Plaintiff (not identified in response to Interrogatory No. 1) who have been involved in the investigation of the CRS site including but not limited to, any discussions or recommendations relating to the identification, containment or removal of chemical waste indicating as to each:

Name, job affiliation, position, present address, area of expertise, and the period during which time such person has had involvement with the CRS site.

MURPHY, BURNS  
& MCINERNEY, P.C.  
ATTORNEYS AT LAW  
TE 4000, CAMPAU SQUARE  
BUILDING  
180 MONROE, N.W.  
RAND RAPIDS, MICHIGAN  
49303

*Grigolouski*

*Topfer*

*Acerto*

*Johns*

*Meyer*

*Rosen*

*David*

*Bios*

*High Ch*

*Nord*

*Sutler*

*Schaeffer*

*Stahl*

*Phelus*

*Kortman*

*Murphy*

*G. Tracy*

*Wicks*

*Y. I. Kim*

3. In Paragraph number 10 of Plaintiff's Complaint, it is alleged that "At least one of the solvent recovery stills (the Brighten Unit) is obsolete, poorly maintained and poses a substantial risk of fire. The second still (the Rodney Hunt Unit) also poses a risk of fire if operated without needed repairs. The distillation buildings are not provided with ventilation fans."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

(a) 10/16/79

June  
C

(b) Chuck Grigalowski

(c) State Fire Marshal's Office

4. In Paragraph 11 of Plaintiff's Complaint, it is alleged that "CRS received spent solvents which are transferred for distillation through temporary rubber hosing, connected by radiator clamps. These transfer operations consistently result in contaminated solvents spilling onto the ground."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions. 10/26/79

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

Leon Acierito

(c) State the source of their information.

*Site inspections.*

5. In Paragraph 13 of Plaintiff's Complaint, it is alleged that "Approximately 3,200 additional 55 gallon drums, partially filled with organic chemical wastes and liquid, sludge and solid forms, are stored on the site. Many of these drums are rusting, deteriorating and leaking their contents onto the ground. Some drums are stacked three high without pallets between them or with pallets in a poor state of repair. The piles are in danger of collapsing. Other drums are stacked precariously near the bank of the Black River. Few of the drums have labels which adequately identify their contents."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

*2/5/80*

*L. Acierio, M. Tarpfer, E. Meyer, F. Biro*

*D. Watson*

*On site inspection*

6. In Paragraph 14 of Plaintiff's Complaint, it is alleged that "These spent solvents have flash points as low as 34°F and 60°F and are being handled in a careless and reckless manner. The term "flash point" refers to the temperature at which a liquid gives off a vapor sufficient to form an ignitable mixture with the air above the surface of the liquid. Electrical pumps, which are not properly connected, and fork-lift trucks are operated in close

proximity to the stills, creating the danger that fumes and chemicals may be ignited by sparks."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

- File W.  
Inspected
- ② 7/17/80 when result of Feb. 5, 1980 sampling was received
  - ③ Leon Acinto, Frank Biro
  - ④ USEPA, Central <sup>Regional</sup> Laboratory, Chicago

7. In Paragraph 15 of Plaintiff's Complaint it is alleged that "There are pools of liquids containing hazardous wastes standing on the site."

Inspected

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

- ② 2/5/80
- ③ Leon Acinto, Melanie Topper, Frank Biro, Eugene Meyer, Dan Watson
- ④ Site Inspection

8. In Paragraph 16 of Plaintiff's Complaint it is alleged that "A sump, located in the building on the bank of the Black River housing the Brighten unit, is in a poor state of repair. This sump contains substantial quantities of waste chemicals."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

(a) 11/26/79

(b) Dan Watson and company

(c) Site inspection

9. In Paragraph 17 of Plaintiff's Complaint it is alleged that "Wastes have leached and are continuing to leach through the soil, contaminate waters in the ground and leach from the bank of the Chemical Recovery site and into the waters of the Black River. There is a leachate stream from the bank into the Black River."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions. 12/5/79

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions. Chuck Grigolowski

(c) State the source of their information.

Site inspection

10. In Paragraph 18 of Plaintiff's Complaint it is alleged that "a collection of chemical wastes with a visible oily sheen is impounded behind a makeshift canvas boom in the Black River adjacent to the site."

*OK PA*  
*Exhibit*  
(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

- a) 12/5/79*
- b) Chuck Gzalauskis*
- c) Site Inspection*

*Exhibit 2*  
11. In Paragraph 19 of Plaintiff's Complaint it is alleged that "Upon information and belief, wastes are leaching from the CRS site into a storm sewer that runs under the site and discharges into the Black River."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

12. In Paragraph 20 of the Plaintiff's Complaint, it is alleged that "Waste materials spilled from drums, transfer operations and the still operations at the CRS site have contaminated the soil and contaminate waters into which they seep."

(a) State the date or approximate time when Plaintiff first became aware of the alleged conditions.

(b) Identify the representatives or agents of the Plaintiff who first obtained the information regarding the alleged conditions.

(c) State the source of their information.

- ① 11/26/79
- ② D. Watson
- ③ Site inspection

13. In Paragraph 14 of the Plaintiff's Complaint, there is reference to flash points for the spent solvents.

(a) Please identify said solvents as to chemical name and composition (if known). *Combination of many organic chemicals - details contained in*

(b) Please specify how the flash points were determined.

*Analysis report dated July 14, 1980 provided to CRS.*

*Using ASTM D 93-77,  
Flash Point determination  
by Pensky-Martens closed tube*

14. Please state all facts on which Plaintiff intends to rely to prove its assertion in Paragraph 7 of the Complaint that "The soil condition at the site is porous, containing considerable sand and gravel and having a low water capacity, so that liquids drain through it rapidly."

*Available USGS geological information & expert opinions.*

15. Please state for any containers, tanks, drums, or vessels located at the CRS site which are alleged to be damaged, rusting, deteriorating or leaking:

(a) When Plaintiff first discovered that such drums, if any were damaged, rusting, deteriorating or leaking;

(b) If any such drums are/were rusting, deteriorating, and/or leaking, whether any agent, employee or officer of CRS was notified by Plaintiff that such containers were in such condition

(c) *11/26/79*  
(d) *Not known but various local & state agencies did.*

16. If in answer to sub-part (b) of the preceding Interrogatory it is stated that an agent, officer and/or employee of CRS was notified by Plaintiff that containers were damaged, rusting, deteriorating or leaking:

- (a) Identify any such communications;
- (b) Identify any person or persons employed by CRS who were so notified;
- (c) Identify any person who, on behalf of Plaintiff, so notified CRS;
- (d) Identify any documents relating to such notification.

17. State the factual basis for the assertion that Plaintiff was required to expend in excess of \$25,000 to inspect, sample and analyze soil, air and surface waters to ascertain the nature and extent of the contamination and hazards alleged in the Complaint, including a description of each test done, the costs involved and the results of each test.

*See estimate*

18. A. For each chemical and metal stated in Paragraph 21 of the Complaint, please state the following:

- (a) When samples were taken; *As stated in survey and analysis reports for the 11/26/79, 2/5/80*
- (b) Who took the samples; *Ditto & 4/23-24/80 sampling*
- (c) Technique used for taking the samples; *Standard USEPA sampling procedures*
- (d) The method used for storing the samples; *Standard USEPA storage procedures*
- (e) Who analyzed the samples; *2 USEPA C-R-L, Chicago*
- (f) The method used in analyzing the samples; *2 methods*
- (g) The result of each analysis; *specified in 40CFR Part 136*

(h) If you will do so without a Motion to Produce, please attach a copy of all reports dealing with the results of such tests.

B. State the extent of all other tests taken by Plaintiff or its agents regarding any other contamination allegedly found on the CRS site and the extent of the contamination allegedly found. Please attach a copy of all such reports.

*None, other than those provided by Plaintiff in response to request for production by defendant in the 11/5/80*

19. Identify by name, business affiliation, business address, profession or occupation, field or specialty of expertise, all persons or corporations with whom the Plaintiff has consulted with respect to the clean-up, containment, or potential harm connected with the CRS site.

20. Indicate with respect to each person or business entity described in response to the preceding Interrogatory, the dates upon which they were contacted and the purpose of the contact.

3/25/81 - Discuss  
hydrogeological survey that  
may be done at CR site

21. State with respect to each person or business entity described in response to Interrogatory 19 whether a written report was prepared for Plaintiff, and if so, its dates, title and general contents.

None to date

22. If you will do so without a Motion to Produce, please attach a copy of said report.

23. With respect to any person or business entity which has been consulted by the Plaintiff, indicate whether any such person or entity has provided an estimate of the cost of the clean-up, or containment of the CRS site.

*None to date*

24. If the answer to the preceding Interrogatory is in the affirmative, state the cost estimate, the person or business entity who made the cost estimate, the basis of the cost estimate, the date on which the cost estimate was made, and the work which will be covered by the cost estimate.

25. Has the Plaintiff ever conducted or caused to be conducted any investigation of the property adjacent to the CRS site or any other nearby site?

*Yes*

26. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) The nature of the investigation; *Site inspection*
- (b) The name and address of the person/firm or other entity investigated; *Harshaw Chemical*
- (c) The name and address of the person/firm or other entity conducting the investigation; *Region 5, U.S. EPA EDO, U.S. EPA - Enforcement Div.*
- ★ (d) The dates of the investigation; *-UNK*
- (e) The manner in which the investigation was conducted; *Compliance Inspection - No samples collected*
- (f) The test data resulting from the investigation.

*None*

★

27. Identify and list all legal or administrative proceedings initiated by or at the request of the Plaintiff against Harshaw Chemical Company or any other entity for contamination or other damage to soil, water and air in Elyria.

28. Please attach a copy of all legal or administrative proceedings identified in your response to the preceding Interrogatory.

29. For each expert witness whom the Plaintiff intends to call at trial to testify in this case concerning issues of either liability or damages, state:

- (a) The name of the expert witness;
- (b) His business address;
- (c) His profession or occupation;
- (d) The field or specialty in which he claims expertise.

30. For each expert witness identified in response to the preceding Interrogatory, describe the issues on which you have requested this expert to his express opinion.

31. For each expert described in response to Interrogatory No. 29, describe the nature of any tests, procedures, or examinations which the expert undertook to form the basis of his conclusions or opinions.

32. For each expert described in response to Interrogatory No. 29, describe each conclusion reached or opinion held by that expert which is relevant to the issues of liability or damages in the above matter, and state the basis for such an opinion or conclusion.

33. State the names and present addresses of all other persons who may be witnesses on behalf of the Plaintiff at trial of this case and indicate the subject or subjects on which they will testify.

MURPHY, BURNS  
& MCINERNEY, P.C.  
ATTORNEYS AT LAW  
1E. 4000, CAMPBELL SQUARE  
BUILDING  
180 MONROE, N.W.  
GRAND RAPIDS, MICHIGAN  
49503

Buckley (State FM)  
Bartholomew (Elyria ND)  
Watson  
Wayer  
Kim

Arquette  
Toepfer  
Brios  
Jorgalowski  
Lab personnel (to verify  
samples)

DATED: March 2, 1981

MURPHY, BURNS & MCINERNEY, P.C.  
Attorneys for Defendant

By Richard A. Severn

FOR Gary J. McInerney (P-17439)

Business Address:

4000 Campau Square Building

180 Monroe, N.W.

Grand Rapids, MI 49503

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& MCINERNEY, P.C.  
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BUILDING  
180 MONROE, N.W.  
GRAND RAPIDS, MICHIGAN  
49503

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
1981 FEB 13 PM 1:24  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. C80-1858
	)	
v.	)	Judge Aldrich
	)	
CHEMICAL RECOVERY SYSTEMS,	)	
INC.,	)	<u>REQUESTS FOR DOCUMENTS (SECOND SET)</u>
	)	
Defendant.	)	

The plaintiff, United States of America, pursuant to Rules 26 and 34, Fed.R.Civ.P., requests the defendant, Chemical Recovery Systems, Inc., produce the documents hereinafter described and permit the attorneys and/or agents for the plaintiffs to inspect and copy them at a time and place mutually convenient for the parties.

Any and all documents pertaining to effluent discharges, including but not limited to, soil contamination, groundwater contamination and contamination of the Black River from the Harshaw Chemical Company's Elyria Plant or any other adjacent or nearby facility of Harshaw or any other entity.

Respectfully submitted,


JAMES R. WILLIAMS,  
United States Attorney

By Kathleen Ann Sutula

Kathleen Ann Sutula  
Assistant U. S. Attorney  
400 U. S. Courthouse  
Cleveland, Ohio 44114  
216/522-4394

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Requests for Documents (First Set) was served upon David C. Long, Attorney for defendant, Chemical Recovery Systems, Inc., 300 Fourth Street, P.O. Box 427, Elyria, Ohio 44036 and Gary McInerney, Attorney for defendant, Chemical Recovery Systems, Inc., 180 Monroe N.W., Grand Rapids, Michigan 49503 by first class mail this 13th day of February, 1981.

  
Kathleen Ann Sutula  
Assistant U. S. Attorney

Answers to interrogatories from CRS

Marian Neudel

Kathleen Sutula, AUSA, N. Dist. Ohio

The following are the answers we are in a position to provide:

1. Marian H. Neudel  
U.S. EPA Enforcement  
Region V ERMPE  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attorney, U.S. EPA; Litigation  
preparation and enforcement  
1, 2, and (indirectly) all others  
  
Leon Acierto  
U.S. EPA Enforcement  
Region V ERMPE  
230 South Dearborn Street  
Chicago, Illinois 60604  
Engineer, U.S. EPA; same duties  
All except 1, 11, 27, 28, 29, 30,  
31, 32 and 33
2. Charles Grigalauski, U.S. EPA Air and Hazardous Materials Section,/  
Hazardous Waste Management Section, (mailing code 5 AIRM), engineer, 1979.  
  
Melanie Toepfer--environmental scientist, U.S. EPA Enforcement, Region V  
(same address as Leon's), inspected site 2/80.  
  
Eugene Meyer--chemist, U.S. EPA Air and Hazardous Materials, Waste  
Management Branch, (mailing code 5 NIAP), inspected site 2/80  
Walter Redman--biologist, U.S. EPA Permit Assistance Section (mailing  
code 5EP), has been consulted about aquatic life in Black River, 1980.  
  
Y.J. Kim--engineer, U.S. EPA Waste Management Branch, Chief of Process  
Evaluation Unit, Mailing code 5AIRM, consulted on still, 1980 George Phelus,  
U.S. EPA Enforcement Region V; attorney (same address as mine), assigned  
to CRS case between 1979-1980.  
  
others assigned to case: Doug Johns, Frank Biros, Kathleen Sutula,  
Paul Schaeffer, Fred Stiehl, Mike Kosakowski, Don Easterling, Dan Watson,  
(\_\_\_\_\_) Murphy).
3. a) 10/16/79  
b) Charles Grigalauski  
c) State Fire Marshal's office
4. a) 10/26/79  
b) Leon Acierto  
c) site inspections
5. a) 2/5/80  
b) L. Acierto, M. Toepfer, E. Meyer, F. Biros  
c) site inspection

6. a) 7/17/80, on receiving results of 2/5/80 sampling  
b) L. Acierio, F. Bires  
c) U.S. EPA Central Regional Laboratory, Chicago
7. a) 2/5/80  
b) L. Acierio, M. Toepfer, F. Bires, E. Meyer, D. Watson  
c) site inspection
8. a) 11/26/79  
b) D. Watson  
c) site inspection
9. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
10. a) 12/5/79  
b) C. Grigalauskis  
c) site inspection
11. a) 11/26/79  
b) D. Watson  
c) site inspection
12. a) combination of many organic chemicals--details in 7/14/80 analysis report already provided to CMS under request to produce  
b) Using ASTM D 93-77 Flash Point determination by Pensky-Martins closed tester
13. U.S.G.S. Geological information and expert opinions
14. a) 11/26/79  
b) Not formally, but various local and state agencies in contact with us had already done so, or did so at about the same time.
15. N/A
16. (Use estimate provided by letter)
17. a) As stated in survey and analysis reports for 11/26/79, 2/5/80, and 4/23-24/80, already provided under request to produce  
b) Bito  
c) standard U.S. EPA sampling procedure see Handbook for Monitoring Industrial Wastewater, U.S. EPA Technology Transfer (pub. G.P.O.)  
d) standard USEPA storing procedure see Handbook for Monitoring Industrial Wastewater (pub. G.P.O.)  
e) U.S. EPA Central Regional Laboratory, Chicago  
f) methods specified in 40 CFR part 126  
g) see answer to a)  
h) have already done so

8. None, other than those provided by Plaintiff in response to the 11/5/80 request for production by defendant.
18. Field Inspection Team contractors
19. 3/25/81--discussed hydrogeological survey of CRS site
20. None to date
21. N/A
22. None to date
23. N/A
24. Yes
25.
  - a) pursuant to civil litigation
  - b) Harshaw Chemical Company
  - c) U.S. EPA Enforcement, Region V and Eastern District Office
  - d) 1971-77 (intermittently)
  - e) compliance inspections 12/9/75, river sampling 11/18/71, 9/9/74, and 10/31/75
  - f) Briefly: Harshaw was found to be discharging metals, ammonia, and oils and grease in amounts beyond permit limits
26. U.S. v. Harshaw Chemical Company, no. C-72-214 (N.D. Ohio)--consent decrees entered 2/27/74 and 3/4/77. No other proceedings known to us at this time.
27. (Kathy--you have copies of the Harshaw proceedings--will you attach?)
28. Y.J. Kim--date given in our answer to Q.2. Murphy?
29. Isn't "all other persons who may be witnesses" improperly vague?

cc: Paul Schaeffe

Fred Stiehl

Mike Kosakowski

bcc: Acierto/Miner

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: C80-1858

vs.

CHEMICAL RECOVERY SYSTEMS,  
INC.,

Defendant.

DEFENDANT'S RESPONSE  
TO THE UNITED STATES  
SECOND SET OF REQUESTS  
FOR PRODUCTION OF DOCU-  
MENTS

NOW COMES, Defendant, Chemical Recovery Systems, Inc., by and through its attorneys, Murphy, Burns & McInerney, P.C. and David C. Long Company, LPA and respond to Plaintiff's Second Set of Requests as follows:

Defendant objects to the production of some of the documents requested by Plaintiff because such documents were prepared by the Defendant or their attorneys specifically in response to this litigation. However, if the Defendant determine that such documents are to be introduced at trial, these document will be made available to the Plaintiff a reasonable period before trial for Plaintiff's inspection.

The other documents which are responsive to Plaintiff's request have already been produced for the Plaintiff or they are a matter of public record. These are the documents from United States of America vs. Harshaw Chemical Company, Case No. C72-214 in the United States District Court for the Northern District of Ohio, Eastern Division and Chemical Recovery Systems, Inc. vs. Elyria City Department of Health, et al., Case No.: 86072-80, Lorain County Court of Common Pleas. As a courtesy to the Plaintiff, if such public documents are not already in their possession, the Defendant will provide such documents to the Plaintiff upon Plaintiff's request.

Dated: March 12, 1981 Respectfully submitted,

MURPHY, BURNS & MCINERNEY, P.C.

BY: 

Gary J. McInerney

Business Address:

4000 Campau Square Building  
180 Monroe, NW  
Grand Rapids, MI 49503  
Telephone: (616) 458-5005

# DRAFT

## MEMORANDUM

SUBJECT: Proposed List of Questions for Officers of the  
Chemical Recovery Systems Inc. of Ohio.

FROM: Thomas T. Evans, Investigator  
Office of Hazardous Waste Enforcement (EN-335)

TO: Files

1. What is the current net worth of the Company?
2. What were the gross receipts of the Company for the last three years?
3. Does the Company own any stocks or bonds? If so, of which entities, how many shares, and their current market value?
4. Does the Company own or hold title in, wholly or partially, any real property in any state of the United States?
5. How much cash on hand does the Company currently have which is not in any savings or banking institution?
6. How much cash on deposit does the Company have in any saving or banking institution, in a checking, savings, or certificate of deposit account.

7. Does the Company have any motor vehicles of any kind titled in its name in any state of the United States?
8. Does the Company currently have any outstanding loans of any type, from any financial institutions? If yes, what was the date pledged, original loan amount, amount now due, and the last payment due date?
9. Who have been the owners, officers, and directors of the Company since its date of Incorporation?
10. Have the owners, officers, and directors of the Company since its incorporation date, served as officers or directors of any other Corporation or business concern?
11. Who are the major stockholders of the Company?

**DRAFT**

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FEB 17 1981

Questions on CRS/Elyria, Ohio

1. Did CRS handle the following chemicals in large quantities at the Locust Street Elyria, Ohio location:
  - tetrachloroethene
  - toluene
  - methyl ethyl Ketone
  - xylene
  - hexachloroethane
  - ethyl benzene
  - naphthalene
  - propyl benzene
  - trimethyl benzene
2. Has the handling of any of these chemicals resulted in their spillage onto the plant soils?
3. Have any of these chemicals been placed or spilled into sumps? If yes, have these sumps ever overflowed or been drained?
4. Have these sumps ever leaked chemicals into the ground?
5. Has CRS ever been responsible for the discharge of these chemicals or other chemicals into the Black River or its tributaries? If yes, what chemicals?
6. Why was an oil boom placed on the river?
7. How is it maintained?
8. At what times and for what reasons is it removed from the river?
9. When removed do the conditions for which it was employed still exist?
10. Has CRS ever been ordered to change its operations or its equipment or property to prevent or eliminate pollution to the Black River?
11. Has CRS conducted any activity upon the sump in the still building closest the river since April 23, 1980?
12. What is CRS doing to monitor and correct leaking drums?
13. What was done in the past?

14. Did any of the chemicals handled contain PCB? Chromium? Lead? Cadmium? If yes, what data does CRS possess to show the chemical's presence.
15. Did spill containment structures or likes surround all actively used storage tanks?
16. What data does CRS have to show that parties outside the CRS property boundaries contributed to the pollution of the Black River via CRS property for the pollutants specified in the Complaint.
17. Has CRS conducted or had another party ~~conducted or had another party~~ conduct a ground water investigation? If yes, supply a copy to us.
18. What is planned of the drums, buildings and equipment on the plant property? What is the schedule of these actions?
19. Has anyone within the past year offered to buy the plant? Who and how much has offered?
20. What is the CRS estimate of the value of the property? This includes what buildings and equipment?

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA  
Plaintiff

V.

CHEMICAL RECOVERY SYSTEMS, INC.  
Defendants

PLAINTIFF'S FIRST SET OF INTERROGATORIES  
TO DEFENDANT CHEMICAL RECOVERY SYSTEMS, INC.

Plaintiff, the United States of America, by its undersigned attorneys, pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure, hereby propounds the following interrogatories to defendant Chemical Recovery Systems, Inc. (hereinafter defendant), to be answered under oath and in writing by the defendant within twenty-one (21) days of the date of service hereof. The obligations imposed upon the defendant by Rules 26 and 33 are here incorporated by reference, including, but not limited to, the duty to supplement imposed by Rule 26(e).

Definitions

A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and a-1 present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of defendant, whether printed, recorded, reproduced by any process, or written or produced by hand-- including, but not limited to, letters, reports, contracts, agreements, communications, including inter- or intra-agency or intra- or interoffice communications, correspondence,

telegrams, memoranda, summaries or records of personal conversations, diaries, logs, forecasts, photographs, tape recordings, models, statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any document, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify, when used in reference to:

(1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity,, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or, if no title, the subject matter), author, sender,

recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral

communication, the date, communicator, communicatee, and all persons present.

In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act and their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present or having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. As used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by defendant or defendant's agents and investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of

each species in the case of a mixture, if determined or otherwise known,) giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the term "Chemical Recovery Systems facility" or "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. As used herein, "ultimate fate" or "ultimate disposal" shall mean the method or route by which a particular substance or object, including but not limited to material currently located on or brought to the CRS facility (and including any sorbent material which was used to clean up leaks or spills, whether left at or removed from the CRS facility), including but not limited to the leaking of such material onto the ground or into wastewater collection drains and pipes; the collection by defendant or placement into containers such as 55-gallon drums for shipment off site; the dumping by defendant onto exterior soils, whether for final disposition in that way or for incineration; or any other method by which the substance was gathered up and/or prepared for delivery outside the possession, control or custody of defendant, together with the name and address of the operator of each landfill, incinerator or other final disposition site, and the location of such site.

I. Interrogatories asking to "state each fact which is the basis for" an assertion, act, denial, or an affirmative defense in the Answer, seeks disclosure of each fact known to defendant as of the date the interrogatories are answered, including but not limited to, full identification and description of the source(s) for each such fact, including identification and description of any and all documents relating or referring to such fact; and identification of each person having knowledge of the fact.

J. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

K. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

L. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter of the deletion.

M. This request covers all documents in the possession, control, or custody of the defendant, and the corporations/controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

N. The above definitions shall apply, unless specific exception is made, to all interrogatories issued by INTERROGATORIES Plaintiff in this matter hereafter.

1. Identify all persons currently involved or who have been involved since January 1, 1974, either as employees at the CRS site or as drivers, haulers, handlers, or salesmen on behalf of defendant.
2. State the duties or responsibilities of each person identified in interrogatory 1, the periods of their employment and the terms of their compensation.
3. Identify and list all payments or disbursements made by defendant to any person, whether in the form of wages, payment on debts, payments made in anticipation of or as consideration for services.
3. Identify all contracts or agreements between defendant and any person, relating to the management of waste, disposal of waste, or transportation of waste, on, from, or to the CRS site. This includes, but is not limited to, agreements with any generators of waste and disposal or reclaiming sites; agreements with any state or local governmental unit. Summarize the substance of each such agreement.
4. List all chemicals received for reclamation, reprocessing, recycling, or disposal by defendant, since January 1, 1974. Indicate the state in which each chemical was received--solid, liquid, or gas; pure or contaminated (and if contaminated, include typical chemical analysis which would show the most common or likely contaminants),

shipped in drums or bulk. Indicate average quantities of each of the above-listed chemicals received by defendant per month and per year since 1/1/74, and all sources for each.

5. Indicate average quantities of chemicals sold or resold after processing, recycling, or reclamation; identify all purchasers and repurchasers of each such chemical, and all documents memorializing such transactions.

6. Identify all contractors, subcontractors, disposers, recyclers, scavengers, or transporters with whom defendant arranged for the disposal or transportation of all chemicals not purchased or repurchased from defendant for use.

Identify, including typical chemical analysis showing main constituents and impurities, all substances disposed of or transported by each one, including average quantity of each material disposed of or transported by each one per month and per year.

Identify all sites to which the respective wastes and chemicals were sent, and what materials each site was permitted or authorized to receive.

7. Identify all contractors, subcontractors, and other entities whose services have ever been engaged by defendant to assist in management and storage of chemicals and wastes on the site; indicate when and for what purpose their services were retained, and the results of their activity.

8. Identify all corporate officers of Chemical Recovery Systems, Inc., for each year since January 1, 1974.

9. Identify all studies of geology, hydrogeology, water and soil contamination, and sewer function or malfunction at or near the site, done by or for defendant, or the results of which were released to defendant. Indicate the purpose for which each such study or test was performed, and the results.

10. Identify, in chemical composition and quantity, all substances now (as of February 1, 1981) stored at the site. How much is in drums, how much in bulk tanks? Number of drums and tanks now on site? How much is awaiting processing or reclamation, and how much is the residue from such processing?

11. Does defendant have an SPCC (Spill Prevention Control and Countermeasure) Plan, as required by 40 C.F.R. 112.3? If so, please produce it. Is the Plan,

if any, properly implemented?

12. Give identifying numbers and otherwise identify all permits, licenses, and authorizations, granted to defendant by any state, local, or federal governmental agency, including but not limited to a Part A Permit under the Resource Conservation and Recovery Act (RCRA). Is the site in compliance with the standards under which such permits were issued, including but not limited to the Interim Status Standards under RCRA? Explain in detail.

13. Give docket numbers and other wise identify all legal or administrative proceedings initiated by or at the request of defendant against Harshaw Chemical or any other entity, for contamination, trespass, or other damage to soil and water on the site.

14. Identify any facility, site or other place of business or operation acquired or opened by defendant, other than the Locust St. site, within the past year (since 1/1/80), and indicate the purpose for such acquisition.

15. For each year since January 1, 1974, give defendant's sales in dollar amount (per year and per month), net profits in dollar amount (per year/month), and income from sources other than sales, in dollar amount, per year, identifying all such sources.

#### CERTIFICATE OF SERVICE

I certify that the attached Plaintiff's First Set of Interrogatories to Defendant Chemical Recovery Systems, Inc., has been served upon the following by depositing copies addressed to the registered agent of the same, in the United States Mail, Postage Prepaid, on

## Interrogatories for CRS

1. List all chemicals received for reclamation, reprocessing, recycling, or disposal, since 1/1/74. Indicate the state in which each chemical was received--solid, liquid, or gas; pure or contaminated (and ~~if~~ ~~if~~ contaminated, indicate the most likely or common contaminants), shipped in drums or bulk. *include typical chemical analyses which*

2. Indicate average quantities of each of the above-listed chemicals received by CRS per month/year since 1/1/74, and all sources for each.

3. Indicate average quantities of chemicals sold or resold after processing, recycling, or reclamation, and all purchasers of each chemical.

4. List all contractors, subcontractors, disposers, recyclers, scavengers, or ~~transporters~~ *typical chemical analysis showing main constituents* with whom CRS arranged for the disposal or transportation of all chemicals not purchased or repurchased for use. ~~Indicate~~ *important* Indicate the nature and quantities of materials disposed of or transported by each one, including average quantity of each material per month/year. List all sites to which the respective wastes and chemicals were sent, ~~and what materials~~ *and what materials* ~~xxxx~~ each site was permitted or authorized to ~~receive~~ receive.

5. List all contractors, subcontractors, and other entities whose services have ever been engaged by CRS to assist in management and storage of chemicals and wastes on the site; indicate when & for what purpose their services were retained, and the results of their activity.

~~6.~~ 6. List all CRS corporate officers for each year since ~~x~~ 1/1/74.

7. List and explain in detail all studies of geology, hydrogeology, water and soil contamination, and ~~sewer~~ *chemical name or common name* function or malfunction at or near the site, done by or for CRS, or the results of which were released to CRS. For each ~~study~~ study, ~~indicate~~ indicate dates, the entity which performed it, ~~and~~ the purpose for which it was done, and the results.

8. Approximately what quantity of chemicals is now (as of 2/1/81) stored at the site? Give breakdown by substance. How much is in drums, how much in bulk tanks? ~~Number~~ Number of drums and tanks now on site? How much is awaiting processing, and how much is the residue from processing?

9. Does CRS have an SPCC plan? If so, please forward it. Is the plan, if any, properly implemented?

*Has the facility filed notification to EPA as required by § 3010 of RCRA? Yes we already know this.*  
10. Does the site have a RCRA Part A Permit? Give identifying numbers and date of filing. ~~Is~~ *required under § 3005 of RCRA* the site in compliance with Interim Status Standards under RCRA? Explain in detail.

11. Has CRS ever instituted or prepared to institute legal or administrative proceedings against Harshaw Chemical for contamination, trespass, or other damage to soil and water on the CRS site? If so, give details.

*or any other entity*  
12. Financial information? i.e., sales in dollar amount/year/month, Net profits, etc.?

13. Has CRS established any new facilities of any kind in Elgin, Ohio, within the past 6 months? If so, for what purpose?

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA  
Plaintiff

V.

CHEMICAL RECOVERY SYSTEMS, INC.  
Defendants

PLAINTIFF'S FIRST SET OF INTERROGATORIES  
TO DEFENDANT CHEMICAL RECOVERY SYSTEMS, INC.

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A. As used herein, the terms "person" and "entity" shall mean any natural person, public or private university or other institution of higher learning, governmental agency or entity, trust, estate, political subdivision, proprietorship, partnership or corporation and a-1 present and former officers, directors, agents, servants, employees, and others acting or purporting to act on behalf of such person, or any other legal entity.

B. As used herein, the term "documents" shall mean any writing (the original thereof, or a copy where the original is not in the possession, control or custody of defendant, as well as a copy of every document where such copy is not an identical copy of any original) in the custody, possession or control of defendant, whether printed, recorded, reproduced by any process, or written or produced by hand-- including, but not limited to, letters, reports, contracts, agreements, communications, including inter- or intra-agency or intra- or interoffice communications, correspondence,

telegrams, memoranda, summaries or records of personal conversations, diaries, logs, forecasts, photographs, tape recordings, models, statistical statements, graphs, laboratory and engineering reports and specifications and notebooks, charts, plans, drawing, minutes or records of meetings, including minutes or records of conferences whether stenographic or handwritten, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, opinions or reports of consultants, appraisals, records, press releases, drafts of any documents, revisions of drafts of any document, invoices, manifests, receipts, papers, films, microfilm, microfiche, punch cards, slides, pictures, and any and all other such matter.

C. Each response shall state, where applicable, if a document or documents or information requested are not now within defendants' possession, custody or control, in whose possession, custody or control such documents or information may be found or whether such documents still exist.

D. As used herein, "identify, when used in reference to:

(1) an individual, shall mean to state his full name, present or last known business and residence addresses (designating each), present or last known position or business affiliation (designating each), present or last known business and residence telephone numbers (designating each), plus his position or business affiliation at the time referred to;

(2) a firm, governmental agency or entity, partnership, corporation, proprietorship, association or other organization or entity,, shall mean to state its full name and present or last known headquarters address and telephone number (designating each), or where appropriate, the present or last known address and telephone number (designating each) of the field or regional office;

(3) documents or oral communications, shall mean to state, in the case of a document, the date, title (or, if no title, the subject matter), author, sender,

recipients, type of document (e.g., a memorandum, book, telegram, chart, etc.), file control designation, and its present location and custodian; in the case of an oral communication, the date, communicator, communicatee, and all persons present. In the case of a document no longer in defendant's possession, custody, or control, describe how, when and why it was destroyed, disposed of or otherwise transferred.

(4) an act, shall mean to state the time, place and nature of the act; the name of the person or persons performing or joining in the act and their last known addresses and telephone numbers; and the names of all persons present or witnessing such act and their last known addresses and telephone numbers;

(5) a statement, shall mean to state the time and place where the statement was made; the name of the person by whom the statement was made and his or her last known address and business telephone number; the substance of the statement; the name and last known address of each person to whom the statement was made; and the name of all other persons present at the making of the statement.

(6) an agreement, event, or course of conduct, shall mean to provide a narrative statement of the matter in question, and to identify all documents relating or referring thereto; to identify all persons present of having knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired and to state what acts were done by each person who in any way participated in an agreement or were present at any act or event being described.

E. Each response shall include an identification of the basis of the answer or other information which form the basis of the answer to each interrogatory and a statement of where the document or other information is located.

F. AS used herein, the term "chemical composition" of a substance or mixture of chemical substances, whether known as a result of information furnished by third parties or as a result of actual sampling and analysis conducted by defendant or defendant's agents and investigators, shall mean each chemically distinct molecular or elemental species comprising the substance or mixture (and the relative amounts of

each species in the case of a mixture, if determined or otherwise known,) giving for each such species the chemical or molecular formula or elemental symbol, and a systematic name that permits precise structural identification of the species; and in the case of a substance or mixture of substances of unknown exact molecular composition, any common or trade names useful in identifying such a substance or mixture.

G. As used herein, the term "Chemical Recovery Systems facility" or "CRS facility" or "site" means the premises at and located in and around 146 Locust Street, Elyria, Ohio, and used or occupied by Chemical Recovery Systems, Inc.

H. As used herein, "ultimate fate" or "ultimate disposal" shall mean the method or route by which a particular substance or object, including but not limited to material currently located on or brought to the CRS facility (and including any sorbent material which was used to clean up leaks or spills, whether left at or removed from the CRS facility), including but not limited to the leaking of such material onto the ground or into wastewater collection drains and pipes; the collection by defendant or placement into containers such as 55-gallon drums for shipment off site; the dumping by defendant onto exterior soils, whether for final disposition in that way or for incineration; or any other method by which the substance was gathered up and/or prepared for delivery outside the possession, control or custody of defendant, together with the name and address of the operator of each landfill, incinerator or other final disposition site, and the location of such site.

I. Interrogatories asking to "state each fact which is the basis for" an assertion, act, denial, or an affirmative defense in the Answer, seeks disclosure of each fact known to defendant as of the date the interrogatories are answered, including but not limited to, full identification and description of the source(s) for each such fact, including identification and description of any and all documents relating or referring to such fact; and identification of each person having knowledge of the fact.

J. Unless the interrogatory specifies otherwise, these interrogatories are directed to all time periods, up to and including the present date.

K. Unless the individual interrogatory specifies otherwise, all terms include the past, present, and future; the singular includes the plural, and plural includes the singular; and the masculine includes the feminine and the feminine includes the masculine.

L. If anything is deleted from a document produced in response to these interrogatories and requests for production, state (a) the reason for the deletion; and (b) the subject matter of the deletion.

M. This request covers all documents in the possession, control, or custody of the defendant, and the corporations/controlled by defendant, and their officers, employees, agents, servants, attorneys, consultants and assigns.

N. The above definitions shall apply, unless specific exception is made, to all interrogatories issued by INTERROGATORIES Plaintiff in this matter hereafter.

1. Identify all persons currently involved or who have been involved since January 1, 1974, either as employees at the CRS site or as drivers, haulers, handlers, or salesmen on behalf of defendant.
2. State the duties or responsibilities of each person identified in interrogatory 1, the periods of their employment and the terms of their compensation.
3. Identify and list all payments or disbursements made by defendant to any person, whether in the form of wages, payment on debts, payments made in anti-cipation of or as consideration for services.
3. Identify all contracts or agreements between defendant and any person, relating to the management of waste, disposal of waste, or transportation of waste, on, from, or to the CRS site. This includes, but is not limited to, agreements with any generators of waste and disposal or reclaiming sites; agreements with any state or local governmental unit. Summarize the substance of each such agreement.
4. List all chemicals received for reclamation, reprocessing, recycling, or disposal by defendant, since January 1, 1974. Indicate the state in which each chemical was received--solid, liquid, or gas; pure or contaminated (and if contaminated, include typical chemical analysis which would show the most common or likely contaminants),

shipped in drums or bulk. Indicate average quantities of each of the above-listed chemicals received by defendant per month and per year since 1/1/74, and all sources for each.

5. Indicate average quantities of chemicals sold or resold after processing, recycling, or reclamation; identify all purchasers and repurchasers of each such chemical, and all documents memorializing such transactions.

6. Identify all contractors, subcontractors, disposers, recyclers, scavengers, or transporters with whom defendant arranged for the disposal or transportation of all chemicals not purchased or repurchased from defendant for use.

Identify, including typical chemical analysis showing main constituents and impurities, all substances disposed of or transported by each one, including average quantity of each material disposed of or transported by each one per month and per year.

Identify all sites to which the respective wastes and chemicals were sent, and what materials each site was permitted or authorized to receive.

7. Identify all contractors, subcontractors, and other entities whose services have ever been engaged by defendant to assist in management and storage of chemicals and wastes on the site; indicate when and for what purpose their services were retained, and the results of their activity.

8. Identify all corporate officers of Chemical Recovery Systems, Inc., for each year since January 1, 1974.

9. Identify all studies of geology, hydrogeology, water and soil contamination, and sewer function or malfunction at or near the site, done by or for defendant, or the results of which were released to defendant. Indicate the purpose for which each such study or test was performed, and the results.

10. Identify, in chemical composition and quantity, all substances now (as of February 1, 1981) stored at the site. How much is in drums, how much in bulk tanks? Number of drums and tanks now on site? How much is awaiting processing or reclamation, and how much is the residue from such processing?

11. Does defendant have an SPCC (Spill Prevention Control and Countermeasure) Plan, as required by 40 C.F.R. 112.3? If so, please produce it. Is the Plan,

if any, properly implemented?

12. Give identifying numbers and otherwise identify all permits, licenses, <sup>and</sup> /authorizations, granted to defendant by any state, local, or federal governmental agency, including but not limited to a Part A Permit under the Resource Conservation and Recovery Act (RCRA). Is the site in compliance with the standards under which such permits were issued, including but not limited to the Interim Status Standards under RCRA? Explain in detail.

13. Give docket numbers and other wise identify all legal or administrative proceedings initiated by or at the request of defendant against Harshaw Chemical or any other entity, for contamination, trespass, or other damage to soil and water on the site.

14. Identify any facility, site or other place of business or operation acquired or opened by defendant, other than the Locust St. site, within the past year (since 1/1/80), and indicate the purpose for such acquisition.

15. For each year since January 1, 1974, give defendant's sales in dollar amount (per year and per month), net profits in dollar amount (per year/month), and identifying all income from sources other than sales, in dollar amount, per year, such sources.

#### CERTIFICATE OF SERVICE

I certify that the attached Plaintiff's First Set of Interrogatories to Defendant Chemical Recovery Systems, Inc., has been served upon the following by depositing copies addressed to the registered agent of the same, in the United States Mail, Postage Prepaid, on

## Interrogatories for CRS

1. List all chemicals received for reclamation, reprocessing, recycling, or disposal, since 1/1/74. Indicate the state in which each chemical was received--solid, liquid, or gas; pure or contaminated (and ~~if~~ ~~if~~ contaminated, indicate the most likely or common contaminants), shipped in drums or bulk. *include typical chemical analysis which*

2. Indicate average quantities of each of the above-listed chemicals received by CRS per month/year since 1/1/74, and all sources for each.

3. Indicate average quantities of chemicals sold or resold after processing, recycling, or reclamation, and all purchasers of each chemical.

4. List all contractors, subcontractors, disposers, recyclers, scavengers, or ~~transporters~~ *typical chemical analysis showing main constituents* with whom CRS arranged for the disposal or transportation of all chemicals not purchased or repurchased ~~for use~~. ~~Indicate~~ *imply* the nature and quantities of materials disposed of or transported by each one, including average quantity of each material per month/year. List all sites to which the respective wastes and chemicals were sent, ~~and what materials~~ *and what materials* ~~each site was permitted or authorized to receive~~.

5. List all contractors, subcontractors, and other entities whose services have ever been engaged by CRS to assist in management and storage of chemicals and wastes on the site; indicate when ~~and~~ for what purpose their services were retained, and the results of their activity.

~~XX~~ 6. List all CRS corporate officers for each year since ~~X~~ 1/1/74.

7. List and explain in detail all studies of geology, hydrogeology, water and soil contamination, and ~~xx~~ sewer function or malfunction at or near the site, done by or for CRS, or the results of which were released to CRS. For each ~~xx~~ study, ~~indicate~~ indicate dates, the entity which performed it, ~~xxx~~ the purpose for which it was done, and the results. *chemical name or common name*

8. Approximately what quantity of chemicals is now (as of 2/1/81) stored at the site? Give breakdown by substance. How much is in drums, how much in bulk tanks? ~~xxx~~ Number of drums and tanks now on site? How much is awaiting processing, and how much is the residue from processing?

9. Does CRS have an SPCC plan? If so, please forward it. Is the plan, if any, properly implemented?

*Has the facility filed notification to EPA as required by § 3010 of RCRA? Yes we already know this.*  
10. Does the site have a RCRA Part A Permit? Give identifying numbers and date of filing. Is ~~xxx~~ the site in compliance with Interim Status Standards under RCRA? Explain in detail. *required under § 3005 of RCRA*

11. Has CRS ever instituted or prepared to institute legal or administrative proceedings against Harshaw Chemical for contamination, ~~x~~ trespass, or other damage to soil and water on the CRS site? If so, give details.

*or any other entity*  
12. Financial information? i.e., sales in dollar amount/year/month  
Net profits, etc.?

13. Has CRS established any new facilities of any kind in Olyria, Ohio, within the past 6 months? If so, for what purpose?

## Questions on CRS/Elyria, Ohio

1. Did CRS handle the following chemicals in large quantities at the Locust Street Elyria, Ohio location:
  - tetrachloroethene
  - toluene
  - methyl ethyl Ketone
  - xylene
  - hexachloroethane
  - ethyl benzene
  - naphthalene
  - propyl benzene
  - trimethyl benzene
2. Has the handling of any of these chemicals resulted in their spillage onto the plant soils?
3. Have any of these chemicals been placed or spilled into sumps? If yes, have these sumps ever overflowed or been drained?
4. Have these sumps ever leaked chemicals into the ground?
5. Has CRS ever been responsible for the discharge of these chemicals or other chemicals into the Black River or its tributaries? If yes, what chemicals?
6. Why was an oil boom placed on the river?
7. How is it maintained?
8. At what times and for what reasons is it removed from the river?
9. When removed do the conditions for which it was employed still exist?
10. Has CRS ever been ordered to change its operations or its equipment or property to prevent or eliminate pollution to the Black River?
11. Has CRS conducted any activity upon the sump in the still building closest the river since April 23, 1980?
12. What is CRS doing to monitor and correct leaking drums?
13. What was done in the past?

14. Did any of the chemicals handled contain PCB? Chromium? Lead? Cadmium? If yes, what data does CRS possess to show the chemical's presence.
15. Did spill containment structures or likes surround all actively used storage tanks?
16. What data does CRS have to show that parties outside the CRS property boundaries contributed to the pollution of the Black River via CRS property for the pollutants specified in the Complaint.
17. Has CRS conducted or had another party ~~conducted or had another party~~ conduct a ground water investigation? If yes, supply a copy to us.
18. What is planned of the drums, buildings and equipment on the plant property? What is the schedule of these actions?
19. Has anyone within the past year offered to buy the plant? Who and how much has offered?
20. What is the CRS estimate of the value of the property? This includes what buildings and equipment?

21. *cleaning barrels - how?*
22. *cleaning stills - how?*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

CRF

MEMORANDUM

OFFICE OF ENFORCEMENT

SUBJECT: Inspection of CRS/Elyria Documents  
FROM: Mike Kosakowski, HWETF, EN-335  
TO: The Files

From the afternoon of February 4 through February 5, 1981, Leon Acierto (EPA/Region 5), Tom Evans and I inspected the CRS records pursuant to the request for Production of Documents. A summary of the disposition of the 19 items requested follows:

James Freeman (President of CRS, Inc. Ohio) was available on Wednesday only.

1. Contained in the invoices inspected (discussed latter)
2. Ditto
3. The EPA already has the Harshaw study.
4. David Long (attorney for CRS) claimed a hydrogeologic assessment of the CRS site is a work product and as such is privileged information.
5. Contained in the invoices inspected.
6. Ditto
7. Ditto
8. David Long was to provide directly to Kathy Sutula (Assistant U.S. Attorney).
9. Permits to handle hazardous wastes were not required in Ohio during the time the Elyria plant was in operation. A Michigan permit was supplied. Additional Michigan permits were found upon inspecting the invoice files. Ohio boiler operation permits were obtained. The invoices showed that CRS received ethanol and sold it. Assuming it was distilled a federal permit is probably necessary. Mr. Long did not know of this and Mr. Freeman was not present on Thursday.

10. Mr. Freeman recalled two instances of products that were rejected by customers, Chrysler Plastics and Uniroyal. Both had too high a moisture content in reclaimed Methyl Ethyl Ketone. A copy of the Chrysler Plastics ~~in~~ invoice was found. Another instance of the same problem with another company was found in the invoices.
11. A description of the Brighten distillation unit was provided. The same for the Rodney-Hunt unit is at the Michigan headquarters. Mr. Freeman said a copy would be provided.
12. Start up procedures for the Brighten unit were provided. Mr. Freeman said that the following manuals existed at the office. Mr. Freeman stated that the plant foreman was familiar with them and that they were made available to the plant employees.
  - 1) OSHA Standards Nov. 7, 1978.
  - 2) Federal Motor Carrier Safety Regulations, American Trucking Association, Washington, D.C., July 1979.
  - 3) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, U.S. Department of Transportation.
  - 4) Handling Hazardous Materials, American Trucking Association, January 1977.
  - 5) 49 CFR 100-177.
  - 6) 49 CFR 178-199.
  - 7) Federal Motor Carrier Safety Regulations and Noise Emission Requirements, Federal Highway Administration.
13. Mr. Freeman said that the company did not advertise or have sales brochures or plant information summaries. The company retained some of Obitts' customers and developed new customers by word of mouth. Mr. Freeman's business card was provided.
14. An employee list was provided. Only in a few instances were the dates of employment given. Mr. and Mrs. Obitts were listed as employees.
15. (a) Mr. Long will discuss this with Ms. Sutula directly  
(b)&(c). See item 9.
16. Citations by the State fire marshal were provided. The EPA already has the NIOSH report.
17. This item was objected to by Mr. Long.
18. Mr. Long will discuss this with Ms. Sutula directly.
19. This item was objected to by Mr. Long.

Single copies of all materials requested on Wednesday were made in the office by Carol Oliver, the Office Manager, the same day. These were given to Ms. Sutula on Thursday. She will disburse copies from her office. ~~Fred Stiehl will get our copy.~~

Only some of the documents requested Thursday could be copied the same day. Consequently Mr. Long committed to have a local copy center do the job and send the copies to Mr. Sutula.

### Invoices

Invoices were kept in 6 inactive file boxes and 1 active file drawer described below.

1) 1980 Invoice Receipts. This was kept in an actively used file cabinet. The file contained invoices of chemical shipments to and from the plant and correspondence for the year 1980. The file was alphabetically arranged according to customer or supplier.

Each invoice stated the chemical and quantity in either pounds or gallons. Many invoices stated unit and total price to the customer. Costs of incoming chemicals were not listed except where noted to be no charge. The invoices were not consistent in noting whether virgin materials, reprocessed chemicals or mixed chemicals were sold. Mr. Freeman upon my frequent request recalled the history of each chemical. He was usually able to do this by noting the unit sales price. Virgin materials are more expensive.

There were too many invoices in this and the other 6 files to summarize. The three of us spent 2 hours in completing letters A through D in the 1980 file. We decided to spend Thursday looking at the physical condition of the remaining files and selectively review individual customer folders rather than review every one.

2) Accts. Receivable  
stored 8-15-77  
A-O

This file held many Obitts' invoices (pre 1974) and CRS invoices through 1976. These invoices were in the same format as the 1980 file.

3) Accts. Receivable  
stored 8-15-77  
P-Z

This file is a continuation of number 2. It also contained folders on Taxes - State and County and Workman Compensation.

4) Customers A-I  
Thru 1979

This file held recent invoices up to and through 1979.

5) Customers J-Z

Thru 1979

This is a continuation of file number 4.

6) No name on file.

This file contained invoices in various years for example 1976, 1977 and 1978.

After reviewing this file it became obvious that the vouchers were not consistently stored by year(s) of transaction. Duplicative files do not seem to exist. Therefore except for the year 1980, in order to review the files of any one year several boxes need to be searched.

7) Accts. Receivable  
Stored 1977

Invoices for various year<sup>s</sup> were found, for example 1972, 1974 and 1978.

There was no current (after 1974) financial information in the files relating to CRS Inc. of Ohio.

After showing these records to Ms. Sutula she offered the opinion that it was not necessary for the EPA or its contractors to copy these extensive files and if it was necessary she would have the company do it instead. She agreed with our suggestion that a few invoices showing that CRS handled chemicals named in the Complaint be copied. These were found for toluene, methyl ethyl keton<sup>e</sup>, xylene, and some other aromatic hydrocarbons. An extensive search would probably have to be made for tetrachloroethene and hexachloroethane. PCB and the metals are more likely to be contaminants in the chemicals processed than the major economic constituent recovered, and records on these are not likely to be found.

The invoices stated that drums and tankers were cleaned by CRS. Mr. Long did not know about this. We should determine how this was done and where the wastes went. The same should be determined for the distillation columns. The Brighten unit often needed replacement scrappers because of the solids that accumulated, and it is probable that preventative cleaning measures were done. In addition the unit would probably be cleaned whenever a different chemical was distilled.

Apparently the company did not file for interim status for this site, having stopped processing before November 19, 1980, the Solid Waste Act RCRA deadline. Region 5 still considers the site to be in the act of storing hazardous waste, and therefore in violation of RCRA.

*They did notify, & have an ID #.*

## Plant Inspection

The CRS plant was inspected Thursday at approximately 4:00p.m. by Messrs. Long, Acierto, ~~Evans~~ and Kosakowski and Ms. Sutula. According to Mr. Acierto the plant site has been considerably cleaned up with many of the drums removed.

The Rodney-Hunt unit was in the process of being disassembled for its new buyer. Some tanks were also in the process of being sold. The plant has not processed chemicals since mid November. Several drums have been crushed by a device on loan from the CRS Michigan site. A tanker from Ross Disposal was at this operation to collect any liquid pressed from the crushed drums. There were no drums near enough the Black River to tip down the bank and into the river. Chain link fences and locked gates secured the area from access by land. Access from the river is hampered by an approximate 10 foot cliff.

Although the grounds were covered by a thin layer of snow, those grounds not covered showed that the soil was very black in its frozen state quite unlike soils outside the fence, indicating some degree of contamination. No leaking drums were noted but the 11°F tempature could be expected to freeze and aqueous and semi-solid substances.

## Sampling Data

At the request of Ms. Sutula, I re-examined the data in our files that supports our contention that an imminent hazard exists with respect to pollution of the ground water and the Black River. I examined only the U.S. EPA data, although both the City of Elyria and the State of Ohio have been involved in actions against CRS for polluting the Black River. The U.S. EPA sampled CRS on three occasions. On November 30, 1980, six samples were taken of solvent, one of the sump and three soil samples. The solvent samples showed that of the chemicals in the complaint tetrachloroethene, sethyl benzene, naphthalene, propyl benzene, trimethyl benzene, phenanthrene or anthracene, cadmium, lead and chromium were present. The sump contained PCB, toluene, ethyl benzene, propyl benzene, trimethyl benzene, cadmium, lead and chromium. The soil samples showed the presence of PCB, cadmium lead and chromium.

On February 5, 1980, the CRS site was inspected and samples were taken. Spillage of chemicals onto the ground and an oily slick on the river were observed. A sample of one open drum showed that it contained xylene, toluene, ethyl benzene, naphthalene, propyl benzene, and trimethylbenzene. Samples of liquids spilled onto the ground at three locations and near the river bank showed the same chemicals in addition to tetrachloroethene and hexachloroethane and even PCB at one point near the still closest the river.

On April 23, 1980, the EPA again sampled the plant. Naphthalene and trimethylbenzene were found within the oil boom in the river. These chemicals and phenanthrene or anthracene were found at various plant locations.

On December 6, 1979, CRS had samples taken and analyzed, Toluene, ethyl benzene, naphthalene, and phenanthrene or anthracene were found within the oil broom.

I believe that sufficient ~~data~~ analytical data exists in addition to inspection observations and statements from plant personnel to demonstrate that CRS has polluted the Black River and to suspect that groundwater was and is being polluted.

GroundH<sub>2</sub>O - can we affirmatively show that  
groundH<sub>2</sub>O is contaminated - Migration  
to Black River?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DRAFT

MEMORANDUM

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This is a continuation of file number 4.

6) No name on file.

This file contained invoices in various years for example 1976, 1977 and 1978.

After reviewing this file it became obvious that the vouchers were not consistently stored by year(s) of transaction. Duplicative files do not seem to exist. Therefore except for the year 1980, in order to review the files of any one year several boxes need to be searched.

7) Accts. Receivable  
Stored 1977

Invoices for various year<sup>s</sup> were found, for example 1972, 1974 and 1978.

There was no current (after 1974) financial information in the files relating to CRS Inc. of Ohio.

After showing these records to Ms. Sutula she offered the opinion that it was not necessary for the EPA or its contractors to copy these extensive files and if it was necessary she would have the company do it instead. She agreed with our suggestion that a few invoices showing that CRS handled chemicals named in the Complaint be copied. These were found for toluene, methyl ethyl keton<sup>e</sup>, xylene, and some other aromatic hydrocarbons. An extensive search would probably have to be made for tetrachloroethene and hexachloroethane. PCB and the metals are more likely to be contaminants in the chemicals processed than the major economic constituent recovered, and records on these are not likely to be found.

The invoices stated that drums and tankers were cleaned by CRS. Mr. Long did not know about this. We should determine how this was done and where the wastes went. The same should be determined for the distillation columns. The Brighten unit often needed replacement scrappers because of the solids that accumulated, and it is probable that preventative cleaning measures were done. In addition the unit would probably be cleaned whenever a different chemical was distilled.

Apparently the company did not file for interim status for this site, having stopped processing before November 19, 1980, the Solid Waste Act RCRA deadline. Region 5 still considers the site to be in the act of storing hazardous waste, and therefore in violation of RCRA.

*They did notify, & have an ID #.*

## Plant Inspection

The CRS plant was inspected Thursday at approximately 4:00p.m. by Messrs. Long, Acierto, ~~Evans~~ and Kosakowski and Ms. Sutula. According to Mr. Acierto the plant site has been considerably cleaned up with many of the drums removed.

The Rodney-Hunt unit was in the process of being disassembled for its new buyer. Some tanks were also in the process of being sold. The plant has not processed chemicals since mid November. Several drums have been crushed by a device on loan from the CRS Michigan site. A tanker from Ross Disposal was at this operation to collect any liquid pressed from the crushed drums. There were no drums near enough the Black River to tip down the bank and into the river. Chain link fences and locked gates secured the area from access by land. Access from the river is hampered by an approximate 10 foot cliff.

Although the grounds were covered by a thin layer of snow, those grounds not covered showed that the soil was very black in its frozen state quite unlike soils outside the fence, indicating some degree of contamination. No leaking drums were noted but the 11°F tempature could be expected to freeze and aqueous and semi-solid substances.

## Sampling Data

At the request of Ms. Sutula, I re-examined the data in our files that supports our contention that an imminent hazard exists with respect to pollution of the ground water and the Black River. I examined only the U.S. EPA data, although both the City of Elyria and the State of Ohio have been involved in actions against CRS for polluting the Black River. The U.S. EPA sampled CRS on three occasions. On November 30, 1980, six samples were taken of solvent, one of the sump and three soil samples. The solvent samples showed that of the chemicals in the complaint tetrachloroethene, sethyl benzene, naphthalene, propyl benzene, trimethyl benzene, phenanthrene or anthracene, cadmium, lead and chromium were present. The sump contained PCB, toluene, ethyl benzene, propyl benzene, trimethyl benzene, cadmium, lead and chromium. The soil samples showed the presence of PCB, cadmium lead and chromium.

On February 5, 1980, the CRS site was inspected and samples were taken. Spillage of chemicals onto the ground and an oily slick on the river were observed. A sample of one open drum showed that it contained xylene, toluene, ethyl benzene, naphthalene, propyl benzene, and trimethylbenzene. Samples of liquids spilled onto the ground at three locations and near the river bank showed the same chemicals in addition to tetrachloroethene and hexachloroethane and even PCB at one point near the still closest the river.

On April 23, 1980, the EPA again sampled the plant. Naphthalene and trimethylbenzene were found within the oil boom in the river. These chemicals and phenanthrene or anthracene were found at various plant locations.

On December 6, 1979, CRS had samples taken and analyzed, Toluene, ethyl benzene, naphthalene, and phenanthrene or anthracene were found within the oil broom.

I believe that sufficient ~~data~~ analytical data exists in addition to inspection observations and statements from plant personnel to demonstrate that CRS has polluted the Black River and to suspect that groundwater was and is being polluted.

GroundH<sub>2</sub>O — can we affirmatively show that  
groundH<sub>2</sub>O is contaminated — Migration  
to Black River?

MAR 28 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

James C. Freeman, President  
Chemical Recovery Systems, Inc.  
142 Locus Street  
Elyria, Ohio 44035

REQUEST FOR INFORMATION  
AND TO SHOW CAUSE

Dear Mr. Freeman:

As you well know, the United States Environmental Protection Agency (U.S. EPA), has inspected Chemical Recovery Systems, Inc. on several occasions for the purpose of determining the company's compliance with various federal pollution control laws. Prime among the U.S. EPA's concerns are your company's handling, storage, treatment, transportation and disposal of solid wastes and hazardous wastes as these terms are defined in Section 1004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA) 42 U.S.C. §6903. Improper waste handling practices can lead to pollution of the air and the surface and ground waters of the United States. In turn these pollution problems can result in harm to human health and the environment.

The U.S. EPA has uncovered evidence of violations of several federal environmental laws at your facility. The information collected by the Agency to date reveals that certain solid waste and hazardous waste handling practices of Chemical Recovery Systems, Inc. are in contravention of both Section 7003 of RCRA (42 U.S.C. §5973) and Section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. §407). Furthermore, preliminary evidence indicates that Chemical Recovery Systems, Inc. may also be in violation of the Clean Water Act, as amended, 33 U.S.C. §1251 et seq. and the Clean Air Act, as amended, 42 U.S.C. §1957 et seq.

Specifically, examples of violative conditions at the Chemical Recovery Systems, Inc. facility include:

1. The leaching of chemical substances from Chemical Recovery Systems, Inc. property into the Black River.
2. The emission of vapors and fumes from the distilling operations at unacceptable health and explosive limits.
3. The placement of drums and/or container's on Chemical Recovery Systems, Inc. property at positions where there is a reasonable likelihood, that said drums and/or container's are liable to be deposited into the Black River.

4. The improper venting, grounding and diking of storage tanks containing solid wastes and/or hazardous wastes on Chemical Recovery Systems, Inc. property.

5. The processing of received hazardous materials in a manner which creates and imminent and substantial fire and explosion hazard at the site.

Therefore, Chemical Recovery Systems, Inc., which may be represented by counsel, is requested to be present in the office of the U.S. EPA, Region V, Enforcement Division at 230 South Dearborn Street, Chicago, Illinois 60604 to show cause why the U.S. EPA should not refer this matter to the United States Department of Justice for initiation of judicial proceedings. The time and date of this meeting will be set at a time convenient to both parties, but no later than 28 days from Chemical Recovery System, Inc.'s receipt of this letter. Chemical Recovery Systems, Inc. shall provide information seven days prior to the show cause meeting detailing the actions Chemical Recovery Systems, Inc. will take to remedy the violations set forth above. Within five working days after the receipt of this letter, Chemical Recovery Systems, Inc. shall contact the U.S. EPA to arrange a date for appearance to show cause.

Additionally, enclosed with this letter you will find an Informational Request which requires that your company provide information to the U.S. EPA which will enable the Agency to better determine the full extent of the environmental problems at the facility and to select the most appropriate of several possible Agency alternatives to ensure your company's compliance with federal environmental laws.

Authority for these requests are set forth in Section 308 of the Clean Water Act, as amended, 33 U.S.C. §1318 and Section 3007 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §6927. Your response should be made in accordance with the requirements of the above-referenced authorities.

The written statements submitted pursuant to these requests must be notarized and returned under an authorized signature certifying that they are true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to the U.S. EPA must be certified as authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submittal of the requested information, that any portion of the submission certified as true is false or incorrect, the signatory should so notify the U.S. EPA. If any answer certified as true is found to be untrue, the signatory can be prosecuted under 18 U.S.C. §1001.

The information requested must be provided notwithstanding its possible characterization as confidential information or trade secrets. Should you so request, however, any information (other than public information) which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade

secrets will be maintained confidential. Request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the Agency.

The principal focus of these inquiries is on the solid wastes (as defined) associated with industrial processes and the subsequent handling and disposal of those wastes. It may be that you do not have formal records that cover the span of time of interest in these requests. Please make every effort to reconstruct the waste handling practices for which a written record does not exist. This effort should include interviews with employees as needed.

If you have any specific questions regarding these matters, please contact Mr. George Phelus, an attorney on my staff, at (312) 353-2094.

Very truly yours,

Sandra S. Gardebring  
Director, Enforcement Division

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GDP 3-24-80

RMG 3/24

CAF 3/27

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Very truly yours,

**Original Signed by Sandra S. Gardebring**

Sandra S. Gardebring  
Director, Enforcement Division

cc: James F. McAvoy, Director  
Ohio Environmental Protection Agency  
P.O.Box 1049  
Columbus, Ohio 43216

Robert F. Buker, Acting Chief  
Inspection Bureau  
Ohio State Fire Marshal  
8895 E. Main Street  
Reynoldsburg, Ohio 43068

GDPhelus:449:wj:3-26-80

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF	)	Information Request Pursuant
Chemical Recovery Systems, Inc.	)	to §308 of the Clean Water
Elyria, Ohio	)	Act and §307 of the Resource
	)	Conservation and Recovery Act

The following information is requested of you pursuant to the above-captioned authorities. It is to be provided by a responsible corporate official within 21 working days of receipt of this request.

Definitions:

1. "Solid Waste" shall be defined as in the Resource Conservation and Recovery Act, as follows:

The term "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permit under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or sources, special nuclear or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

2. "Disposal" shall include, but not be limited to, burial; underground injection; burning or incineration; reuse or recycling; ~~spreading~~, spilling, leaking or dumping on land or in water; or introduction into publicly or privately owned digesters or sewage treatment plants.

3. The relevant time period for this request shall be from January 1, 1973 to the present.

4. "Person" shall include natural persons, corporations, partnerships, associations, other legal entities (including municipalities and governmental units), and where appropriate, officers, directors, agents, employees, contractors and subcontractors.

REQUEST FOR INFORMATION

1. For all solid wastes produced or generated by your operations or acquired from other persons during the relevant time period, state the chemical compositions, trade names and appropriate amounts, together with the corresponding dates of production, generation, or acquisition. Also provide for each waste a description of the originating manufacturing process including the identity of the principal product.

2. For each disposal of solid wastes on your property provide the source and identity of the waste, the amount disposed of, the date and location of disposal, and a complete description of the disposal method including any physical, chemical, or biological treatment provided.

3. For that portion of solid waste hauled (removed) off-site, provide the names and addresses of the persons transporting or removing the wastes, the identity and quantity of the wastes, the approximate date of the removal, the method of transport and the location of the disposal site or facility employed. Also specify for each disposal site used a description of the disposal methods used at the site, including, but not limited to, landfilling, incineration, deep well injection, chemical or biological treatment.

4. State whether records of contracts, invoices, manifests, bills of lading, ledgers or account books or other documents evidencing agreements or arrangements with persons within or outside your organization for the acquisition, transport, treatment, disposal, removal or reuse of solid wastes have been or are being maintained, and briefly describe the form in which said records have been or are being maintained.

5. Provide the results of all sampling and analysis in your possession or performed by you, or by any sub-contractor, agent, employee, transporter or disposer and communicated to you, concerning the following:

- a. The chemical or physical character and quantity of solid wastes produced or generated on your pro-

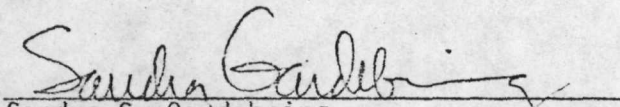
perty or acquired by you from other persons.

b. The presence of solid wastes in the effluent from your facility or facilities (except in compliance with a valid National Pollutant Discharge Elimination System permit), or from disposal sites containing solid wastes, reaching the waters of the United States or any publicly owned treatment works, or being emitted into the air.

c. The concentrations or presence of any solid waste or constituents of solid waste in surface waters or groundwaters on or adjacent to your facility(ies) or any disposal sites containing such wastes, or in the air surrounding these locations.

6. For each occurrence of any adverse health or environmental effect which you know or believe to have resulted from the introduction into the environment, during shipping or storage, of solid wastes generated, produced, or acquired by you, indicate the applicable times, dates, areas, persons, or organisms involved, and identify the wastes involved.

7. Provide the names and addresses of all persons who presently are under contract or have entered into any agreement for the transportation to, or the removal or disposal of any waste from, your facility.

  
Sandra S. Gardebring  
Director, Enforcement Division  
U.S. Environmental Protection Agency  
Region V